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LOCAL GOVERNMENT
IN
ENGLAND

LOCAL GOVERNMENT IN ENGLAND

by

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PREFACE

SIR JOHN ADAMS—to whose teaching and methods of study I owe a very great debt—once wished to publish a book on a subject usually considered dull and uninspiring under the title "Psychology with the Chill off". Something of the same idea has led to the writing of this introductory study of English Local Government. A considerable knowledge of Statute Law is essential to the advanced student of this subject, but the beginner often finds himself appalled and bewildered by the mass of detailed statutory provisions presented in the stock text-books on municipal work. Too many students make the mistake of trying to commit to memory a host of facts drawn from the Statutes and Statutory Orders. It must be remembered that even the experienced Local Government Officer has to keep his shelves stocked with reference books and to be constantly turning to them for the details of administration. The initial stages of the student's reading, too, often take him into a realm of legal technicalities which seem far removed from the real interplay of human forces which constitute the basis of Local Government activity. A brief survey of the actual working of the system renders the student's task a much easier one, and enables him to undertake an attack on the more formal study with greater understanding and enlightenment. This book, whilst outlining the main features of the legal framework of our system of Local Government, indicates and discusses some of the problems and controversies arising out of the working of the system, and attempts to portray as ordinary human beings the "hypothetical elector", the "hypothetical Councillor" and the "hypothetical official" which, in effect, the legal manuals add to that prime comedian of Rating and Valuation Law, the "hypothetical tenant".

So diverse in its provisions is our English Local Government Law that in writing a general account of the system almost every statement has to be qualified by such phrases as "in the majority of instances" and "in the case of nearly all local authorities". There is an exception to almost every rule. I have tried to safeguard myself by the use of these necessary phrases, but there may still be some flaws left in the armour. No book on Local Government that I have read has been entirely free from slight errors of fact, due mainly to the difficulty of keeping pace with statutory changes; I should be grateful to receive notification of any such errors as soon as "spotted", with a view to corrections in future editions. As regards the use of capitals, this is always something of a problem in a book of this nature. Words which used in one sense seem to call for capital initial letters may, when used in another sense, be set down without them. It is perhaps largely a matter of individual choice.

Some readers may think that my strictures on the elected element are somewhat severe. But the usual run of text-books either leaves the "hypothetical Councillor" as a disembodied spirit or dismisses him shortly with a brief testimonial as to his self-sacrificing devotion to unpaid work for the good of the community. The former delineation is perhaps the more accurate of the two. There is a real need for a raising of the standard of knowledge and efficiency in the elected element of our Local Government. And if these strictures provoke discussion and stimulate thought some good will have been effected. There will certainly be no need for any Councillor to feel offended at these criticisms of the elected element. As is pointed out, there are many exceptions to the general inadequacy of the elected representatives to their task. Councillor Smith will no doubt recognise himself as one of the exceptions, whilst identifying that idiot Councillor Brown as one of the unintelligent. And Councillor Brown will in his turn recognise himself as one of the

exceptions, whilst easily identifying that ass Councillor Smith as one of the unintelligent. In any case, these words of censure cannot apply to any Councillor who happens to read them; if he were one of the unintelligent he would certainly never be found reading a book on Local Government.

EUGÈNE L. HASLUCK

London
January 1936

PREFACE TO THE SECOND EDITION

The steady stream of Local Government legislation during the last ten years has introduced many new activities and has modified the organisational structure of some Council Departments. The most important of these developments have been introduced in their appropriate chapters in the text.

It would seem, however, that the basic principles of our Local Government system are generally considered good for a further long lease of life, and the numerous "post-war" reform schemes are directed towards extending existing services and simplifying their administration rather than towards radical changes.

The educational departments of the Forces have, during the last six years, done much to stimulate a greater interest in public affairs among the five million or so citizens who wore His Majesty's uniform. It is to be hoped that this praiseworthy effort will be continued by those organisations which cater for the educational needs of the civilian population. In the critical period through which the nation is passing there is great need of intelligent citizenship.

E. L. HASLUCK

Lincoln
November 1946

CHAPTER I

THE ESSENTIALS OF LOCAL GOVERNMENT

THE TERM "LOCAL GOVERNMENT"

SIR JOHN ADAMS, in one of his books on Education, depicts an amusing scene between a young modern school-teacher and the Greek philosopher Socrates, in which the ancient asks the apparently simple question, "What is a humming-bird?" and ends by getting the young man hopelessly tied up in the complications of the subject and extremely annoyed at his failure to provide a satisfactory definition of something which is apparently so readily distinguishable from all other things. It is, in fact, an extremely difficult thing to think out a really satisfactory definition for anything, and when we try to define things which are the product, not of nature, but of human ingenuity, the task becomes more difficult than ever. The root cause of the difficulty is probably the fact that ideas come first and words afterwards. The young man who met Socrates had a perfectly clear idea of what he meant when he talked about a humming-bird, but whilst a description of the creature was well within his competence, he found that the task of framing a definition, accurate and logical, sufficient to enable the humming-bird to be distinguished from all other things within human experience, was too complex and difficult a task to be achieved in a few minutes. The child who, when asked to write down the word "elephant", said that he couldn't manage it, but that he could draw one, was expressing an elementary form of this difficulty, and so was the navvy whose efforts to explain to his friend the meaning of the slogan "One man, one vote" got no further than to place a sanguinary adjective before each of the substantives.

It is customary to begin a study of one of the arts or sciences with one or more definitions, particularly with a definition of the scope of the subject to be studied. A serious attempt at accurate definition at least conduces to clear thinking. There is a good deal of truth in the statement that when six men in a railway carriage have an argument about Socialism they will inevitably fail to agree because each of them probably has a different idea of what is meant by the expression "Socialism". One will regard it as meaning Trade Unionism, one as helping the poor at the expense of the rich, one as Democracy, one as revolutionary bomb-throwing, one as unlimited public expenditure, one—with a memory of some written definition that he has come across—as State control of the machinery of production and distribution. Even if the enquirer fails to arrive at a thoroughly satisfactory definition of the thing he is considering, a great deal of good may result from the mere effort to find one.

One way of reaching the idea of what the term "Local Government" means is to look for the historical origin of the expression. It is a remarkable thing how very modern the term is. It did not become part of the common currency of discussion until the second half of the nineteenth century. In much earlier days writers on the county administration of England refer to the "subordinate government" of the country, by which they mean the local machinery for enforcing the laws of the realm; but a somewhat different idea lies behind the modern term. The juxtaposition of the words "Local" and "Government" arises out of a phrase in which these two words are joined by a third word—"Self". We have discussions on "Local Self-Government" before we have discussions on "Local Government". And the longer phrase became popular entirely through the work of one man—Joshua Toulmin Smith, an extremely learned legal writer of the earlier Victorian period.

Joshua Smith—who always preferred to call himself by

his second Christian name as Toulmin Smith—was one of those men who had been roused to indignation by the advent of Government inspectors into the counties to reinforce and stimulate the activities of local administrators in carrying out the new national legislation in matters connected with pauperism, factory conditions, education and public health—in fact with the growth of what is nowadays sometimes called "The New Despotism" of Government Departments. Toulmin Smith produced a number of books and pamphlets protesting against this development, and made himself the champion of what he considered to be the age-long custom and right of each local community in England to govern itself with the minimum of interference from the central government. Since the days of the Anglo-Saxons, he maintains, one of the greatest factors of successful government in England has been "Local Self-Government". The phrase is constantly used in his book *Government by Commissions Illegal and Pernicious*, published in 1849, and in a book which introduces the phrase on its title-page, *Local Self-Government and Centralisation*, published in 1851.

The shorter term "Local Government" appears in a leading article in *The Times* in the year 1856. Doubtless there are a number of earlier uses of the expression to be found; for instance, the Steward of the old Manor-Court of Manchester, speaking rather sneeringly about the new Board of Improvement Commissioners established in the town, referred to the Board in 1799 as "the new constitution of local government". But from 1856 onwards the term has become of increasing currency until it forms part of the stock terminology of administrative discussions.

UNIFORMITY AND VARIETY IN ADMINISTRATION

Local Government implies a differentiation from central or national Government. The phrase is not used of areas that have been granted power to make all their own laws and to have their own Parliaments, even though the Imperial Parliament at Westminster and the British Crown reserve certain emergency powers of interference with the otherwise independent legislature. We do not call the government of Newfoundland or of Northern Ireland "Local Government". Nor does the fact that a group of government officials administering the national system in a given area may consist entirely of local men who still live in the district necessarily make their administration "Local Government". The vast majority of post offices are staffed entirely by local people, but they remain nevertheless organs of Central and not of Local Government. The price of stamps, the rules regarding the receipt of Old-age Pensions and the regulations regarding wireless licences are exactly the same all over the country. Again, the local organisation for purposes of Income Tax may be entirely staffed by local people, yet the Income Tax is levied at the same rate and assessed in the same manner in all parts of the land.

When we turn to certain other departments of government, however, we find distinct differences between the regulations in force in one area and those in force in another. Although there are certain features of school administration which are strictly enforced everywhere, yet there are others which differ from county to county. In one district the syllabuses may be different from those prevalent in another. The design of school-buildings may differ from town to town. The provision of play centres may vary widely from area to area, according to the attitude taken by the local Councils. Again, one town may have a daily collection of

refuse from every house; in another town householders may have to wait for a week before their rubbish is collected. In one seaside town hawkers are strictly forbidden on the sea-front; in another they meet with no legal obstacles. In all these cases we have variety in administration, as opposed to the uniformity which characterises the administration of the Post Office and the Income Tax Office. Education, Refuse-collection, and Hawking By-Laws are considered matters of "Local Government".

Why does this variety exist? It is simply because the rules and regulations for assessing and collecting the Income Tax and for running the Post Office are all laid down by a central authority in London, and every official in the departments concerned has to obey these rules and regulations, while in the cases of the school syllabuses, the school-buildings and the provision of play-centres, the refuse-collection, and the regulation of hawkers, the rules and regulations are laid down by a number of separate authorities, which, under the general law of the land, are given a considerable amount of latitude in deciding what is to be enforced. That latitude varies in amount according to the matter involved. Every separate elementary education authority must see that elementary schools are provided, and many details of procedure in connection with these schools are laid down in regulations which have the force of law all over England; but certain matters are left to the option of each of the separate authorities. Every separate authority dealing with refuse-collection has as a duty the work of preventing a nuisance being created by the accumulation of offensive rubbish, but the task of deciding exactly in what manner it will fulfil this duty is left to each authority. In the case of street hawking, apart from the question of the practice developing into a nuisance such as the obstruction of a highway or the creation of intolerable noise, there is no national law forbidding hawking under any circumstances, but the national law does recognise the fact

that in certain places hawking may be undesirable however decently and quietly it is carried on, and hence the separate authorities are given power to make rules forbidding hawking in such places.

In the cases just considered the separate authorities are limited in jurisdiction to a definite geographical area, in other words they are "Local Authorities". Now perhaps we get the basic idea of what is meant by "Local Government". Firstly, there must be a Central Government from which the Local Government may be differentiated. And secondly, there must be a definite power to do things in a different manner from that followed in other areas within the same national or State area. If some local body has it in its power to govern in a different manner from other local bodies, there we have Local Government.

THE ELECTIVE PRINCIPLE

So many local governing bodies are elected that it is sometimes held that there can be no Local Government without the principle of election coming into it. But there is at base no necessity for powers of Local Government to be associated with the elective principle at all. Though the expression was not current at the time, we should not hesitate to describe the Vestries and the General Sessions of magistrates of the eighteenth century as Local Government authorities, yet the elective principle was a rarity in these numerous bodies. Nor do we have to go back to the eighteenth century to find non-elected bodies with the power to vary the practice of Local Government. The important duty of deciding the principles on which public-houses shall be licensed and those on which Sunday concerts shall be allowed is, over the greater part of England, entrusted to benches of magistrates who are not elected at all. Adjacent areas sometimes differ very considerably in their policies on these questions. An extension

of drinking hours will be granted in holiday times in one town whilst no extension will be granted in a town a few miles off. In one town dancing is allowed on the stage of any show on Sundays; in an adjacent town such dancing is strictly prohibited. Writers on the subject of magisterial powers justify these variations by maintaining that due allowance should be made for the differing public opinion in each district and that the local magistrates are likely to be good judges of what that local public opinion demands. Here we have distinct Local Government powers, with policies differing from area to area, but no elective principle whatever.

A more academic question is that of the relation to Local Government of the judicial powers of these same magistrates. The same justices who decide the policy of public-house licensing and Sunday shows have to deal with a continuous stream of legal cases. In the courts known as Petty Sessions and Quarter Sessions all kinds of people are brought before them on charges of breaking the law in one direction or another. It is notorious that benches of magistrates sometimes differ as noticeably in their attitude to certain classes of cases brought before them in their judicial capacity as they do in their attitude to the questions they have to settle in their administrative capacity. Motoring offences are dealt with more leniently by some benches than by others. Offences under lottery legislation are treated more severely in certain areas. The attitude of magisterial benches to offences connected with the agitation against tithes used to vary considerably. It is not a rarity to hear it remarked that if a particular case had been tried by the magistrates of A instead of by the magistrates of B the defendant would have been treated very differently. But this kind of variation is not countenanced by the national law. All benches of magistrates are supposed to administer the law in the same spirit, and with the same degree of severity or clemency. Such variations as exist—and they actually cover but a small part

of the field of judicial action—are unconstitutional, and are in the nature of unwarranted prejudice which should, strictly speaking, be censured.

In one sphere of judicial process, however, we do find the elective principle adopted. In the great majority of cases of breaking the law which are brought before the magistrates the initial steps against the offender are taken by the police. In most cases only a policeman can take formal legal action against an offender. Although the actual decision of guilt or innocence, and the decision of the degree of punishment to be inflicted on a guilty person are in the hands, not of the police, but of the magistrates, the police have in practice an opportunity for varying the attitude of their particular locality towards certain groups of offences. As with the magisterial benches, certain police forces have a reputation for greater or less severity in their attitude towards motoring offences, betting and minor breaches of lottery legislation. And these police forces are organised and paid by elected or partly elected local authorities over the greater part of England. Is Police a branch of Local Government in England? Many would say yes. And certain details regarding the police forces are undoubtedly a matter of Local Government, inasmuch as they vary from district to district, and vary with the full consent of the central national authorities. A glance at the helmets of policemen in different districts will serve to illustrate these minor local differences. But in all the essentials of police work the action of the various police forces in England—and there are 177 of them—is so strictly controlled by the central authority in London—the Home Office—that there is no functional divergence between one force and another. Such differences of attitude towards certain classes of offenders as exist are, like the similar differences of attitude displayed by certain benches of magistrates, unconstitutional and liable to censure. It would be within the legal rights of the Government, acting through the Lord Chancellor, to dis-

miss the whole of a bench of justices which showed leniency towards one particular group of offenders. It would not be within the legal rights of the Home Office to dismiss the members of a local police force: all the Government could do would be to refuse to pay the large Government contribution to the local police expenses until the offending constables were replaced by others, or, in the case of the county forces, to dismiss that half of the controlling police committee that consists of J.P.s. Perhaps in certain cases there would be a legal right to sue individual constables for "aiding and abetting" breaches of the law by failure to take action against persons whom they knew to be offenders. But as far as duty and legal theory are concerned, the functions of the police are, like those of Post-office officials and Income-tax officials, merely to administer a system strictly in accordance with the rules laid down by the central Government. And yet there is a difference. Post-office and Income-tax officials are not appointed by local authorities. In the case of the police, the appointment and first-hand control of the forces are entrusted to local authorities, entirely or partly elected by local ratepayers.

To return to our definition. From what has been said as to the difference between uniformity of administration and variety of administration, perhaps the most workable definition of Local Government is: Local Government is that sphere of government within which local bodies are legally permitted to adopt variations in administration. At any rate the essential point of the matter is brought out in such a definition.

ULTRA VIRES

The powers of Local Government in England are very strictly limited. With the ordinary citizen, it may be presumed that the law allows him to do anything he likes except what it specifically forbids him to do. However morally bad

a man's conduct may be, however much undeserved suffering he may inflict on other people, he cannot be punished by the Courts unless it can be proved that he has either done some specific thing which the law has forbidden or omitted to do some specific thing which the law has ordered should be done. But the reverse idea applies to Local Government in this country, namely, that a Local Government authority may not do anything at all except what is specifically permitted by the law. To express it in another way, the citizen starts with complete freedom of action, though that freedom has been restricted by a series of barriers to exclude certain kinds of action from his freedom of choice; the local authority has no freedom at all to start with, but special privileges have from time to time been conferred upon it to allow it to do certain things.

This has not always been so in England. No doubt in strict law the functions of the local authorities of the old days were limited to enforcing the provisions of the national law; if anyone refused to obey Local Government orders or to take notice of provisions drawn up by the local authorities for the convenient administration of their areas, he could in most cases be compelled to submit only by proving to the satisfaction of a law court that he had, in disobeying the local authority, broken some provision of the general law of the land, which the local authority had been merely applying. In practice, however, local authorities in the old days did many things for which they had no authority either under Statute or under Common Law. Thousands of Vestries levied a Church Rate for centuries, though it was at last discovered that they had never had any legal right to do so, and that if anyone refused to pay such rate, there was no legal power of making him pay. Many local authorities at the beginning of the nineteenth century were spending public money on paying salaries to officials without any legal authorisation. The Manchester Improvement Commissioners

ran a municipal gasworks for years without legal authorisation. The restrictive doctrine universally in force to-day in English Local Government was not developed until the reign of Victoria.

The first enunciation of the principle, however, was not in the sphere of Local Government at all, but in connection with the activities of English railway companies. Under numerous Acts of Parliament, railway companies were empowered to construct lines and run services in many parts of England during the thirties and forties of the nineteenth century. Some of these new companies, not content with their profits from the ordinary business of a railway, launched out into other forms of enterprise. Some entered into business arrangements with lines of steamers, and invested the shareholders' capital in this form of maritime enterprise. Others took advantage of their ability to transport heavy goods in bulk at cheap rates to start a profitable business in the sale of coal. The interests opposed to these subsidiary enterprises began to challenge the right of the railway companies to apply their capital and their activity in this manner. In 1843 the legal position was brought before the Courts, and it was decided that the companies, whose powers were based on the terms of the Acts under which they had been constituted, had no right to exceed the purposes for which the Acts had given them specific powers. From the sphere of commercial enterprise the principle of statutory limitation of activities was soon introduced into the sphere of Local Government. And it was not long before a host of things was declared to be *Ultra Vires*—beyond the powers—of local authorities. The Latin phrase was used apparently for the first time by Justice Pollock, Chief Baron of the Exchequer, in 1859.

Small children are sometimes said to live in "the terrible land of *Don't*". Local authorities may be said to live in "the terrible land of *Ultra Vires*". The development of this principle is one of the causes of the introduction of so many

qualified lawyers into Local Government service. An active local Council needs an adviser whose acquaintance with the principles of English law, and particularly Local Government law, is sufficient to prevent its falling into the numerous pitfalls of *Ultra Vires*. It is perhaps fortunate for the Council's legal adviser that the powers of local authorities are based entirely on Statute Law, which makes the task of ascertaining the limits of authority considerably easier.* The Common Law has no application here, except inasmuch as a local authority may, as a corporate body, sue or be sued for ordinary offences. But even this situation arises from the specific provisions of statutes which give a corporate personality to local authorities. Every one of the powers legally exercisable by a local authority must be based on the provisions of an Act of Parliament. It is for this reason that local authorities are so frequently applying to Parliament for Local Acts: they want to undertake some form of activity which is *Ultra Vires*, and the only way to get legal sanction is to get a special Act of Parliament passed enabling them to do so.

It used to be said that, though the action of local authorities was strictly limited by Statute, at any rate their activities were protected from challenge or interference by these same Statutes that limit their scope. But in recent years a blow has been struck at this safeguard by a famous judicial decision, known as the Poplar Judgment. The Metropolis Management Act of 1855 empowered the London Vestries to pay their employees "such salaries and wages as the Board or Vestry may think fit", and this power was transferred to the Metropolitan Borough Councils by an Act of 1899, the Borough Council taking the place of the "Board or Vestry". It seemed perfectly clear that however extravagant or parsimonious the Borough Council might be in their provision of wages for their employees, and however much discredit the

* The theoretical powers of Municipal Corporations as Common-law Corporations are of so little practical value that they can be ignored.

Council brought upon themselves by their financial policy in this respect, at any rate no legal penalty could be inflicted on the Councillors who fixed the wages in question. Councillors who had been guilty of extravagant expenditure of public money could, and no doubt would, be turned out of office by the ratepayers when they came up for re-election, but the law here gave them in so many words the right to pay such wages as they thought fit. A few years after the Great War the Poplar Borough Council increased the wages of most of their employees, and before long their right to do so was challenged on the ground that the wages they were now paying were extravagant and unreasonable. And the case was brought before the High Court. On the actual wording of the Acts in question there was nothing that could be said against the action of the Council, but in the King's Bench Division it was held that as the Council were in a "fiduciary position"—as trustees in the interests of the public—extravagance was not permissible, and that the Act of 1855 must be interpreted as meaning that the Council could pay such wages as they thought fit within "reasonable" limits. The action of the Poplar Borough Council was declared illegal. Other statutes had definitely laid down that certain local authorities might pay "reasonable salaries" to certain officials, and it had always been admitted that in such cases, if the salaries were challenged on the score of extravagance, the Courts had a right to decide what was reasonable and what was not. The universal application of a general principle—a principle laid down neither in the Acts specially concerned nor in any Act of general application to the whole sphere of Local Government—the principle that expenditure of money by local authorities was limited by a "fiduciary position", seemed to many critics revolutionary. It was feared that the judgment, if allowed to stand, would paralyse the initiative of local Councils through fear of arbitrary surcharge.

The Council at once appealed against the decision of the King's Bench Division, and the Court of Appeal, going over

the whole case again, decided that the "fiduciary" interpretation could not be permitted, and on the actual wording of the Act of 1855 judgment was given in favour of Poplar. There was yet another possibility of appeal, and the opponents of the Council's action took the case to the House of Lords. Once more the whole case was considered, and this time Poplar was unsuccessful. The judgment of the Court of Appeal was reversed and that of the King's Bench Division upheld. And there is no appeal from the decision of the House of Lords.

The case created an enormous amount of interest in Local Government circles, and was productive of a great deal of bitter feeling. Behind the legal technicalities of the situation there was a highly contentious political controversy. Poplar was known throughout England as a stronghold of Socialism: the policy which led to the wage scale in question was admittedly a Socialist policy. All Socialists were eager to hear that Poplar had won the case. Anti-Socialists were eager to hear that Poplar had been beaten. Socialists accused the Judges, particularly those of the House of Lords, of being politically biassed against Poplar on account of its well-known reputation as the home of extreme Socialism, and objections were raised to the observations of some of the Judges as being controversial political assertions. No doubt the fact that the supreme judicial tribunal in England has the same name as a legislative assembly as well known for its anti-Socialist opinions as Poplar was for its Socialist ones, largely contributed to this belief. But whatever opinions were held as to the justice or fairness of the Poplar Judgment, the characteristic British tendency towards moderation prevented the precedent from being used as a regular weapon against the constructive zeal of the local authorities.

A proposal to enlarge the scope of activity of local authorities which, if adopted, would open out very wide areas for administrative work, was contained in a Bill introduced on several occasions in Parliament by the Labour

party. While the Conservative Government was in office, in 1927 and 1928, this Bill was strongly opposed by the ministerial party; after the Conservative defeat at the General Election of 1929 it was expected to receive a good deal more support; but the enthusiasm of several of its former champions had waned, and it was a matter of great disappointment to its supporters that Mr Greenwood, who, when in Opposition, had been one of its most noted advocates, opposed it after he became Minister of Health. This Bill contained provisions to enable the larger local authorities to undertake any kind of activity or enterprise which would be permissible for a Limited Liability Company to undertake. The main idea of the Bill was the extension of the trading services of municipalities, which are at present strictly limited. Under certain circumstances local authorities may supply water, gas, and electricity. They may run trams, but not, as a general rule, buses. They may organise certain theatrical shows and concerts, always with considerable restrictions. They may construct tennis-courts and bowling-greens and swimming-baths and charge for the use of them. They may sell milk to poor families for the use of children, but may not make profit out of milk sales. Under the Local Authorities Enabling Bill a local Council would be allowed to undertake any of hundreds of commercial enterprises, running butchers' shops, milk-supply to the whole town, drapers' establishments, general stores, taxi-cabs, building and decorating businesses, printing-works, or holiday tours. Naturally the whole weight of the interests of private enterprise is opposed to such a sweeping enlargement of municipal enterprise. Even in comparatively small matters Parliament has shown itself very chary of enlarging the general powers of local authorities. A Bill to enable all local authorities to run motor-buses was rejected by the House of Commons in 1929, and a similar bill introduced by the Labour Government in 1930, though it passed the Commons, was rejected by the Lords. Even a

Bill for the provision of Municipal Repertory Theatres introduced in 1929, though its principle was approved in the Commons by a majority of over 100, was allowed to drop.

CENTRAL CONTROL OF LOCAL GOVERNMENT

The limitations imposed by the Statutes and the risks of being prosecuted for *Ultra Vires* are not the only restraints upon the freedom of action of the local authorities. The Central Government keeps a very sharp eye and a very firm hand on the proceedings of local Councils. Here again we find a modern development. Though for a short time under the Tudors and earlier Stuarts the national Government attempted to control the activities of County Justices and parish Vestries, for nearly two hundred years after the Civil War the King's Government at Westminster turned a blind eye to the local authorities, which was perhaps one reason for the absence of anything resembling the modern *Ultra Vires* bogey-man. But in 1833 Lord Grey's Government decided to adopt the principle of sending inspectors round the country to see that the Factory Acts were being observed in the manufacturing districts, and next year followed this up by the creation of a new poor-law department to supervise the whole of the local activities in poor-law matters, with a further body of inspectors. A few years later education inspectors were sent forth. This attempt to correlate and control the activities of local authorities provoked a storm of opposition, and at times it seemed as though public opinion would give this new movement its quietus as effectively as the Civil War had put down the interference of the Privy Council with the county governors. But though Toulmin Smith wrote and Benjamin Disraeli orated against "the three Bashaws of Somerset House", as the new central department was nicknamed, central supervision and control had come to stay, and

modern local authorities are now quite accustomed to receive visits from the inspectors of the Ministry of Health, the inspectors of the Ministry of Education, Factory inspectors, Poor-law inspectors, inspectors of police, and casual inspectors holding inquiries on behalf of the Ministry of Transport or the Board of Trade. And critics are still speaking of the "new" despotism.

The Departments centred round Whitehall not only inspect the local areas; they audit accounts of local authorities; they exercise a veto on loans proposed to be raised by local Councils; they have powers of revision of local by-laws and of local administrative schemes, and freely use their right to amend or reject; they appoint and dismiss some of the local officers; they collect annual reports from the local Councils; whilst a constant stream of circulars and advisory letters issues from Whitehall to several thousand local authorities. In the event of a local Council failing to carry out the duties prescribed by Statute, the Government Department concerned usually has the power to step in and do the necessary work at the cost of the local ratepayers, whilst on occasion a Government Department will take legal action in the Courts against a defaulting Council. Central control is no formality; it is a real living force in Local Government.

THE COURTS

In addition to the limitations of Statutes, the principle of *Ultra Vires*, and the control exercised by the central Departments, local authorities have yet another factor to reckon with before they embark upon their activities. The Courts of Law exercise an influence on Local Government in many ways. Sometimes they can be invoked in support of the local Council; many Statutes provide that an offender against the decrees of a local authority shall be brought before a court of summary jurisdiction, which is empowered to inflict a fine,

or in some cases imprisonment, upon the offender. Sometimes the Court is indicated as the Statutory protection for a person aggrieved by some action of the local Council. But the Courts influence Local Government practice in another way. Much of our English law is "Case-made" law. A puzzling case, some anomalous situation for which the existing Statutes do not seem to provide, may be settled by a decision of a Court, and thereafter all cases of a similar nature, should such arise, tend to be settled according to the precedent set by the first decision. Or a Statute may be so badly drafted that its meaning is doubtful; again the Courts may be able to influence the effect of the law in a decisive manner by a legal decision on a "test case". Even long-established practice has sometimes been completely upset by a decision of the Courts; the particular point may have been taken for granted for years until someone of a contentious disposition brings a case about it and surprises the Local Government world by getting a prevalent practice condemned as illegal. It came as a shock to thousands of Local Government officers when the High Court in 1929 declared that a contract signed between a Council and one of its officers providing that so many months' notice should be given before terminating the officer's appointment was null and void, and that in spite of a thousand such contracts the officer could be discharged at a moment's notice without any legal claim for redress. The famous Poplar Judgment is another instance of the influence of the Courts on Local Government action.

THE THREE FORCES OF LOCAL GOVERNMENT

Surrounded by this series of barriers, barriers which are guarded by the watchdogs of the Courts and of Whitehall, the local authorities carry on their manifold activities. For in spite of all this complex limitation, there is still a vast quantity of work within the undisputed powers of the local

Councils. That work is carried on, almost entirely as far as routine goes, and very largely in the matter of policy, by groups of salaried officials, controlling a subordinate staff of wage-earning manual labourers. Local Government has its Civil Service, somewhat less renowned than that of the Central Government, but well on its way to recognition as a great multiple profession. Working with these groups of officials, legally in control of nearly all of them, but almost invariably dependent on them for expert advice, are a number of unpaid administrators, mostly bearing the title of Councillor, who represent the inhabitants of the district and are, in fact, the deputies appointed by the inhabitants to see that the district is well governed, that public money is not wasted and that the paid officials are doing their work efficiently.

The three most important positive factors in the work of Local Government are represented by the unpaid Councillors, the local paid officials, and the paid officials of the central Departments. Under the smoothest conditions all three forces are pulling in the same direction. Often we find one of the forces pulling in a different direction to the other two, or even the three forces all pulling in different directions—which leads to trouble. But whether these three forces are exerted with or without mutual conflict, they are all important, if not from their actual strength at a given moment, at least in the strength they may put forth on occasion. To understand the working of our English system of Local Government it is necessary to study these three great factors in local administration separately, and then to see how they work in conjunction.

A generation ago those who professed to speak with authority on matters of Government were, with few exceptions, inclined to take an extremely cheerful view of all the existing British institutions. Their outlook was not so much optimistic as complacent. English History had slowly

worked itself up to a climax, the climax having arrived just before the period in which they lived; Britannia, supported on the solid pillars of Democracy, Free Trade, Universal Free Education, the Factory Acts, and the Empire on which the Sun never sets, could afford at last to sit down—in a very dignified manner, of course—on her throne, and put on a pair of rose-coloured spectacles. Everything was for the best in this best of all possible worlds. Those who write and speak to-day are not nearly so self-satisfied. It is not so much the World Wars that have shattered the complacency of statesmen and publicists, though many who had believed serious war between civilised nations to be no longer possible received a violent shock from the mere event of the wars taking place at all. Events since 1914 have suggested that those things which were generally considered the firmest foundations of the modern world are not so stable, or even so desirable as they seemed at the beginning of the twentieth century. Democracy sank to become a butt for contemptuous abuse in countries where it appeared to be firmly grounded. Free Trade, which it was believed would never under any circumstances be abandoned by the country that had produced Cobden and Peel, has slipped quietly out of the British fiscal system. Serious doubts have been cast on the effects of our elementary educational system. The Factory Acts have not made a happy and contented working class. Conditions in the Empire on which the Sun never sets have on several occasions suggested that not quite everything is for the best, whether the world we have is the best possible one or not.

And what of our system of Local Government? Is it as satisfactory as it was considered in those far-away days before the upheaval of the First World War? Have the changes that have taken place in its structure, and in its functions, been for the better or for the worse? Has Democracy failed here, as it is asserted by some to have failed on a larger scale in the Nation? Are local Councils inefficient, extravagant, and

corrupt, as some critics assert? Are we becoming an official-ridden nation locally, or centrally, or both? Is the "New Despotism" a reality? And if so, is it a good thing or a bad thing? All these questions have actually been raised from one quarter or another. It is as well not to take too much for granted in studying human institutions, and every serious student of Local Government is bound to ask sooner or later the basic question, Is our system of Local Government to be maintained or not? Every year thousands of people bestir themselves in the excitement of municipal elections, every year tens of thousands of letters pass to and fro between Whitehall and the local authorities; every year millions of pounds are raised in rates, to be spent on the Local Government services. Is the Game worth the Candle? The question is worth considering.

CHAPTER II

THE ELECTED ELEMENT

THE LOCAL GOVERNMENT FRANCHISE

DURING the long conflicts of the nineteenth century when Democracy was struggling for national recognition, disputes concerning the franchise usually revolved round the opposition of two principles, the rights of citizenship and the rights of property. One school of thought held that every individual has an inherent right to participate in the government of his country owing to the mere fact of citizenship; another held that responsible government could be carried out only by those who had "a stake in the country" in the form of financial interest. After many struggles, the principle of citizenship triumphed in the constitutional system of Central Government; but the other principle held the field in local government for much longer. Down to the year 1945 the basis of the voting qualification at a local Council election was the possession or occupation of land or buildings, although every British subject over the age of twenty-one, with a few trifling exceptions, enjoyed the right to vote at parliamentary elections.

Though the extreme claims of Democracy were never fought out in the municipal sphere as they had been in the national sphere, there are certain arguments which have been urged for the distinction which existed between the two franchises. Parliamentary laws affect all citizens; Council decisions are mainly the local application of laws already ordained by the national Parliament, whilst the administrative acts and even the by-laws of local authorities affect the masses very slightly, though they may affect ratepayers considerably. Again, in addition to the old English maxim "That which concerns all should be allowed of all", there is

another one which maintains the principle of "No taxation without representation". National taxation is spread over the whole community. Land and houses do not bear even the bulk of its burden; income of all kinds is taxed, whilst very large sums are collected by means of customs and excise, which affect every class in the community. The basis of local taxation is the Rate, which is levied almost entirely on "real property"—on land and houses. Direct levies upon all and sundry are made by local authorities only in return for specific services, as in the case of parking fees, tram fares, admission fees to baths and concerts. The principle of democracy, however, suggested the necessity for an equality between the two franchises. Everybody is interested in the maintenance of Public Health and of good highways, whether he pays rates or not; whilst as regards finance, grants out of national taxation provide almost as much as local rates towards the fund from which local Councils draw their supplies, and the non-elector of the municipal area, when he buys a packet of cigarettes or a glass of beer, may be helping to pay for the cost of maintaining the street he lives in or of providing the Public Health services of the area. However, though there were in the old days the most violent agitations to secure the local franchise for the ratepayer, there has never been a serious agitation for extending universal suffrage to the municipal sphere.

The right of the ratepayer as such to participate in Local Government was recognised in thousands of parishes "from time immemorial", though it can hardly be described as a "franchise right" as it was the custom in the old days for parish business to be transacted in open Vestry, where every ratepayer had a right to attend and vote on questions of local policy. Even in some crowded urban parishes this same system existed, and we read of Vestry meetings attended by thousands of ratepayers all with the right to take part in the business and to vote on decisions; it is not surprising to find

that such mass-meetings often degenerated into turbulent scenes of riot and disorder. Where a smaller body of ratepayers governed a parish, it was a small aristocracy, not elected by the body of the ratepayers. The first introduction of the principle of election by the ratepayers of the parish was in 1819, when by the Select Vestry Act the full Vestry attended by all the ratepayers was empowered to elect a Committee every year for the purpose of getting its poor-law work done. Nearly three thousand parishes adopted this system, and in 1831 another Act was passed establishing parish Councils of a modern type, with triennial elections by the ratepayers. This ratepayer franchise was then introduced for the purposes of the new Poor-Law Unions in 1834, and for the new Municipal Corporations in 1835. Further legislation during the succeeding century followed these precedents.

The Act of 1831, usually known as "Hobhouse's Act", specifically conferred the local franchise on women ratepayers, and where the rates were actually payable by a woman the principle was recognised in each subsequent development of ratepayer franchise that sex was no bar to the local right to vote. In 1918 an innovation was made. The local franchise was extended to the wives of male ratepayers. Another Act enfranchised the husbands of female ratepayers in 1928. Seeing that the local franchise was based on the principle of financial burdens, this extension of the electorate was illogical. In the vast majority of cases it was the husband's income that paid the rates; and if the wife was to be allowed to express her opinion at the polls, why not the grown-up children living, like the wife, in the father's house? But in the year 1918 it had been decided for the first time to give the Parliamentary franchise to women over the age of thirty, and by analogy wives and husbands were put on the same footing for the local vote. With the reduction of the qualifying age for women to twenty-one in 1928, the general result was to nearly double the electorate. Its effects were

somewhat doubtful. Though in the vast majority of cases husband and wife vote for the same candidates, and the total vote of each side is thus roughly doubled, with no net difference to the result of the election, there are many cases where a household now records a vote that it never used to record at all, since the husband cannot find the time to vote during polling hours or is too tired or apathetic to bestir himself after his return from work, whilst the wife, who is about the house all day, can be persuaded to go down to the polling station in a car. It is sometimes said that capable canvassers can make more impression on the women than on the men voters, but it is doubtful whether the blandishments of the canvasser very often reach the length of persuading an apathetic female voter to exercise her vote, or to cause a woman's vote to be transferred from one candidate to another.

Before the Act of 1945 the Local Government Franchise was based upon the two electoral Statutes passed in the years 1918 and 1928. The general principle was that every occupier of premises which were unfurnished when taken had the vote; also every owner of property which was not occupied by someone else. Thus, if a landlord let a house to a tenant, the occupying tenant voted but his landlord did not. But if an absentee owner had a plot of land or a shop in the district, the owner could vote if he appeared at the polling station. The occupier of a single room, if he had supplied the furniture and thus rented the room "unfurnished" could vote. Some enthusiastic electors in districts where local elections were fought on Party lines created new votes by entering into formal agreements with their adult children, transferring the ownership of the furniture of their bedrooms to the son or daughter and providing a rent-book in proof that the extra voter was the occupier of "unfurnished lodgings" within the district. There were various other intricacies in the old system of compiling the local franchise

registers, but the Representation of the People Act of 1945 swept them away and assimilated the local with the parliamentary franchise. It is somewhat remarkable that this important alteration in the basis of Local Government representation passed through Parliament without opposition or serious criticism. The fact that it was an agreed measure approved by all the Parties of the war-time Coalition was the major factor in its smooth passage. The actual test of a right to vote at a particular election is the presence of the claimant's name on the Voters' register, for though it has been held by the Courts that an unqualified person whose name has been printed in the register may be prevented from voting, if a qualified elector finds that his name has been omitted, he loses the right to vote until a new register comes into force.

The voters' register is made up afresh each year, and the business of compiling it is a function of the County Councils and County Borough Councils. The officials in charge of the business must notify occupiers, and where a possibly qualified owner's address is known must notify the owners, some time before the first of June. The recipient has a duty, legally enforceable by a fine, to fill the form up and return it by post to the officials. Special dates are laid down by statute for the various processes in the preparation of the new list. These dates must be notified by public advertisement on public buildings and church notice-boards. Anyone who is keen on exercising the vote should make a practice of calling to inspect the new register at the place and time indicated on these notices, since the fact of having sent in a form does not necessarily imply that the correct entries will be made. Clerical errors have resulted in people losing the power of voting. For convenience of registration and the avoidance of duplicate entries admission to the list of any district is dependent upon the applicant having been qualified in respect of property lying within the geographical county in which the electoral area is situated and having been so qualified for

a period of three continuous months immediately preceding the first of June in the year in which the list is compiled.

There are some disqualifications which prevent applicants from being admitted as voters even though they possess the usual electoral qualifications. Aliens, convicted felons, undischarged bankrupts, and certain classes of recipients of poor-relief are debarred from exercising the functions of a local government elector, whilst if a town is divided into wards, each ward holding a separate poll, there are further regulations preventing an elector from casting votes in more than one such constituency. A thorough knowledge of municipal election law entails a considerable amount of study, and the efficient Returning Officer—who is responsible for the proceedings at an election—has to master numerous details in regard to the opening and sealing of ballot-boxes, spoilt ballot-papers, blind voters, illiterate voters who cannot read the wording on the ballot-paper, the rights of candidates and their agents to enter polling stations and to attend the count, and a host of other matters.

ELECTION RULES

The conditions under which local government elections are held are prescribed in detail, often in minute detail, in various Statutes and in regulations issued under the authority of Statutes. These regulations have recently been codified in the consolidating Local Government Act of 1933, and in the special sets of rules for Urban and Rural District Councils and for Parish Councils issued by the Home Office under the authority of that Act. There is no logical reason why the election regulations for these particular areas should be left to the discretion of the Home Office whilst the regulations for other units of local government administration are laid down in the Act itself. It merely continues a practice first instituted when the units in question were first created, and

saves a little verbosity in the Act, but the regulations issued by the Home Office follow the principles of the regulations in the Act with minute strictness, and there is no real constitutional point in issuing them in this peculiar manner. The dates of the various elections are prescribed, the forms to be used are dictated, with the actual wording of large sections of the notices and posters. The stages in the process of election are generally the public announcement of the coming election; nomination day, when the candidates submit their names; withdrawal day, when such candidates as change their minds can withdraw; and polling day, when the actual election takes place. If there is only one candidate for a vacant seat, there is, of course, no poll, the single candidate being returned unopposed. In cases where there are no candidates at all—and such cases are not by any means unknown—provisions are made for filling the vacancy if possible, usually by declaring the former occupant of the seat—if he is still qualified to be a Councillor—still in occupation of it.

Down to the year 1934 a candidate was allowed to put up for more than one constituency of a local government area. Thus, if he were doubtful as to whether his chances were best in his own residential ward, he could put up for that ward and also for another ward where he had a number of friends and supporters. It usually rather told against a candidate who did this, since it seemed to indicate a confession of weakness, added to a desire to get a seat on the Council at any price. However, candidature in two wards was not unknown, and in some places the power was used in an extreme form. At Ilford, for instance, where the majority of the local Councillors had been returned unopposed for some years, one man made a practice of contesting several seats single-handed. If he did this as a protest against the apathy of the electorate, which is notoriously incapable of finding among its numbers persons willing to serve on local Councils, there

was a good deal to be said in favour of his action. However, after several unsuccessful attacks of this description, the climax came when he put up for all the wards but one of the Borough of Ilford, being beaten in all the eight contests, with an average poll of some twenty votes per constituency. It was estimated that the activities of this one candidate had from first to last cost the district over a thousand pounds in official election fees. The Royal Commission on Local Government reported in 1929 in favour of restricting the privilege, and this suggestion was incorporated in the Local Government Act of 1933.

The same Act made a series of changes in the regulations regarding nomination. Previously it had been necessary for every candidate to obtain the signatures of at least two local government electors for the constituency he intended to contest, accepting him as a suitable candidate. Furthermore, any two such electors could nominate a candidate who was duly qualified to stand with or without his knowledge. It might thus have been possible for a person who was absent from his town during an election to return home to find that he had been elected a Councillor without his having known anything about it. By the 1933 Act the minimum number of signatures required has been increased to ten, and every nomination requires the signature of the candidate himself, attested by a witness. A concession is made to candidates contesting a by-election who happen to be abroad at the time the election is announced. And to avoid ambiguity, every withdrawal of a candidature must now be attested in the same manner. If the candidate puts up for two or more constituencies, and fails to withdraw all his nominations, with the exception of that for one constituency only, he is disqualified from all the constituencies in question.

Elections for County Councils, and for the Councils of Urban Districts, Rural Districts and Parishes are held in the spring, towards the end of March or the beginning of April;

those for Boroughs, however, are held in the autumn at the beginning of November. The Royal Commission on Local Government recommended in 1929 that all Local Government elections should be held at the same time of the year, without specifying whether the spring or the autumn would be the more suitable; in any case it suggested postponing any change until the completion of the great redistribution of boundaries and units which occupied the years following the Local Government Act of 1929. There was much argument for and against each of the two customary dates. November was recommended because the register of electors was more up-to-date at that time than in the spring, and because the fear of trouble at the spring elections sometimes prevented Councillors from making necessary increases in the estimates and in the rates, which are brought forward in March. The spring was favoured mainly because the weather is usually more suitable for canvassing and polling at that time than in October and November. The representatives of the Urban Districts who gave evidence before the Commission were in favour of falling into line with the Boroughs and supported November; the Rural District representatives preferred the spring. Much discussion was caused by the existence of a number of joint-committees, consisting partly of Urban District Councillors and partly of Rural District Councillors, and of others composed of the representatives of Boroughs and Urban Districts. At present the membership of the latter class of joint-committee is sometimes changed rather awkwardly owing to the membership of the constituent Councils changing at different times of the year; if the Urban district elections were shifted to November the same trouble would arise on those more numerous joint-committees which belonged to the former type. The problem could be solved by shifting both the Urban and the Rural District elections to November, but the Rural Councils were generally opposed to a change in this respect. Mr Postle-

thwaite, the representative of the Urban District Councils who led the campaign in favour of November, made a tactical error by abandoning the two main arguments for November and concentrating on the point relating to joint-committees, where he was on far weaker ground, and the impression left was that the spring had got the best of the argument.

There is a whole series of rules relating to the secrecy of the ballot, whilst several Acts debar candidates from adopting certain methods of electioneering which are denounced as "illegal practices" or "corrupt practices" according to the view taken of the seriousness of the offence. All these rules for seeing fair play date from a time when electorates were much smaller than they are to-day, and when bribery and intimidation had a much greater scope for influencing elections. The minute precautions for guaranteeing the official ballot-papers against forgery by the adoption of a secret mark on each, and for concealing the form of this secret mark from intending forgers of ballot-papers which are presumably to be slipped somehow into the ballot-box or onto the counting table along with the genuine ones, seem absurdly excessive to-day, whilst the prohibition of the free distribution of rosettes and of the provision of bands of music and banners to advertise a candidature seem nowadays somewhat unnecessary.

But this does not mean that the whole of the Corrupt Practices legislation is useless. The actual number of voters who enter the polling station is often so small that the bringing up of a score or two of bribed electors may easily turn the scale in many elections. In Borough elections there is a definite financial limit to the amount that a candidate may spend on elections, whilst in all elections there are certain forms of expenditure like that on committee rooms and salaried agents, which are either prohibited or strictly limited. The use of vehicles normally let out for hire as a means of

bringing voters down to the poll is forbidden, the idea being that a ride for which normally a charge would be made is a form of bribery. Hence such vehicles are forbidden on polling day, unless the persons travelling in them themselves pay the usual fee for their use. Even if a car normally let out on hire is lent free of charge for the purpose of taking voters to the poll, it is illegal to use it. All election literature, including posters, must bear the name of the printer and publisher—a provision to help check election expenses in cases where they are limited by Statute. The great difficulty about illegal and corrupt practices is that they are nearly always very hard to prove. Electors who have received bribes or free drinks, printers who have been given orders for more election literature than the financial limit of the candidate allows, agents who receive pay for assistance rendered are not usually likely to betray their financial benefactors, and it is always difficult to get sufficient witnesses prepared to swear to the facts in a court of law. Even in cases where intended bribery is anticipated it is difficult to be sure of securing evidence for an Election Petition, as the employment of a body of private detectives for the whole period of the election is an expensive business, and even with their expert assistance inadequate evidence may be obtained. For it is in the nature of things that corruption is carried on with every precaution for secrecy. All that can be said is that without the Corrupt and Illegal Practices legislation there would be a great deal more corruption than there actually is.

PARTY AND INDEPENDENT ELECTIONS

Local elections are of two distinct types, which may be described as the Party Election and Independent Election. The Party Elections are fought out between the same parties as contest national elections, though not always under exactly the same names. Independent Elections ignore the distinc-

tions of political party, and generally each candidate stands as an individual, whose policy is not necessarily co-ordinated with that of any other candidate. The names are not quite accurate, for occasionally there crops up a local party unconnected with national politics, often as the result of the formation of some association or society of ratepayers. "R.A." candidates frequently appear on the lists of nominees for different towns; sometimes the local ratepayers' association is strongly anti-Socialist, and the designation must be taken in a political party sense, but more usually the "R.A." group has no special political bias, and its members may vary from a group of men pledged to carry out a definite programme to a mere agglomeration of members of the society with no common object except to attain the dignity of Councillor. The National Citizens' Union, a body formed primarily as an anti-Socialist organisation, has at times contested seats in towns where Socialism is virtually non-existent, concentrating its efforts on some non-political aims. And where public opinion is roused over some real or alleged iniquity on the part of the sitting members, a new group may appear under some party name and try to oust the "old gang". The purely political contests are confined, in the main, to the larger towns, the great political parties having not as yet undertaken any wholesale campaign to gain control over local authorities generally. The nearest approach to such a movement was the campaign organised during the last decade of the nineteenth century by the Fabian Socialists, who aimed at converting the electors of the large towns to Socialist principles before attempting the greater task of gaining a footing in Parliament.

The elections for the London County Council—the greatest of all English local authorities—have always been conducted on party lines, but it is only comparatively recently that any party has adopted its usual name when contesting seats on that body. The Liberal party adopted the

name of the "Progressives" in L.C.C. elections; the Conservatives called themselves by the rather uninspiring name of "Moderates". For many years the "Progressives" beat the "*Moderates*" *at every election. Then the Conservative party* decided on a change of name, and fought the elections of 1907 under the title of "Municipal Reformers", a tactical move which undoubtedly played an appreciable part in the subsequent victories of the party at the polls. Since the War the Labour party entered the field, and has never troubled to adopt any special local name. The Labour party won a majority of seats on the L.C.C. for the first time in 1934, the opposition being composed of Conservatives, still under the designation of "Municipal Reformers". Similar local party names may be found in some other English towns masking the great national political parties.

There has been much controversy as to whether Party Elections or Independent Elections are the more satisfactory. From the point of view of pure reason, as from that of idealism, the Independent system is certainly the better of the two. Much of the discontent with our national system of government is due to the fact that the real opinions and wishes of the electorate are to a large extent smothered under the cast-iron programmes of the great organised parties which dominate the parliamentary elections. The national elector is usually forced to choose between two or three ready-made policies, which, as far as his own constituency is concerned, are to be applied through the medium of some party nominee who, if elected, will become the mere slave of a despotic party organisation. Many men who recoil with horror from the idea of entering Parliament under its present conditions, where their freedom to speak and vote according to their consciences will be hampered and threatened by the irksome decrees of "party discipline", gladly offer their services on the local Council, where there is complete freedom to speak and vote according as each member thinks fit.

It is true that party discipline is not nearly so strict on local Councils as it is in the House of Commons, but it is felt that the same team spirit which often subordinates the welfare of the nation to the welfare of the party in Parliament operates to some extent, sometimes to a large extent, in local politics. A scheme of municipal trading which has been readily accepted as satisfactory by a group of Independent members on one Council may be ruthlessly opposed by men of similar mentality on another Council because the measure happens to have been brought in by the Socialist leaders on the Council. Correspondingly, men who have consistently voted Socialist at national elections may, on an Independent Council, welcome an efficient scheme which is to be worked by private enterprise, whilst on a party Council where they sit as Socialist members they may vote against such a scheme, however good, in order to substitute an alternative scheme of municipal enterprise, however costly and unsatisfactory it may seem.

A further argument against Party Elections is that under such a system a number of good men are permanently kept out of local administration. A man of first-rate capacity, willing and anxious to serve his town, may be debarred from the opportunity of service because in order to get on to the Council it is necessary to pledge himself to the principles of a party which, though dominant on the Council, does not command his honest support. In towns where one political party has a large permanent majority, many good men may be lost to the Council, whilst in other towns, where there is no permanent majority of one party, but where a violent swing of the pendulum causes sudden changes of personnel on the Council, it certainly seems a pity to see an efficient and hard-working Councillor expelled from his seat merely because in national politics he prefers to vote for the party which for the moment happens to be unpopular in the town.

But many arguments have been put forward in favour of local Party Elections. Firstly, as often asserted in elementary treatises on the British Constitution, service in Local Government provides a most useful training for national government. And if our national politics are conducted on strict party lines, it is just as well that local politics should provide a training on the same lines. This argument is weak, because so very few of the thousands of local Councillors ever go on to Parliamentary activities or ever want to.

Far more cogent are the other arguments used to justify the Party system in Local Government, since they strike home at some of the weak points in the Independent system. The Party system, say its supporters, improves the condition of local Councils, before, during and after the elections. Town after town laments, under the Independent system, the absence of men willing to devote their services to the community by undertaking office on the local Council. Sometimes it is impossible to find any candidate at all; more often a vacant seat is casually and unenthusiastically picked up by someone who has no real desire to take part in local government. The Party system, where it has become established in municipal life, provides a "fund of candidates", and for the sake of the reputation of the party such candidates will be of the best type that the party organisation can manage to find. Again, when attention is turned to the manner in which Independent elections are won, to the apathy of local electorates, to the utter ignorance of the mass of the voters as to the problems to be dealt with on the local Council and of the capacity of the Independent candidate to deal with such problems, to the ridiculous reasons which lead voters to put their mark against a name on the ballot-paper, and the petty irrelevancies which so frequently win and lose seats at the normal municipal election run on Independent lines, it is urged that whatever may be said against the Party system, it is surely better that elections should be decided by people

voting for parties whose general characteristics at least they understand, rather than by the trivial freaks of disjointed groups of ignorant and apathetic electors. Finally, when the Council is elected and begins its work, it is argued that it is better to have controversies and divisions based on some definite political principle represented by recognised national parties than on the petty intrigues and jealousies of the cliques which grow up so readily on Councils elected on the Independent system.

THE LOCAL ELECTORATE

Aristotle once made a remark to the effect that Man is a political animal. For considerably more than two thousand years his remark has been quoted, usually with approval. But though the statement may have been true of the ancient Greeks, it has little application to the modern Englishman in its usually understood meaning. The Englishman takes little keen interest in politics of any kind, and in Local Government such interest as he possesses sinks to a minimum. Over £750,000,000* is spent every year on Local Government services, which absorb something like one-seventh of the national income; local Councils exercise control in one degree or another over the houses the people live in, the streets and roads along which they pass, the food and drink they consume, the factories in which they work, the schools in which their children are educated, and the cemeteries in which they are buried; there are more than 8000 directly elected Councils in England and Wales, with tens of thousands of Councillors and tens of thousands of officials. Yet the vast majority of the ratepayers have very little knowledge of how Local Government is worked, even in their own districts.

The ordinary ratepayer spends something like half his time

* Latest complete figures reported by the Ministry of Health in December, 1945.

in the business of earning his living, and after working-hours he devotes himself to social activities with his family and friends and to his amusements and hobbies. He is interested in his garden, his wireless set, attending football matches, playing various games, the activities of a local dramatic society or of one or more of the numerous clubs and associations which abound in England, excursions by car or charabanc, and holidays at the seaside. The ratepayer's wife is busy with her house and her children; she has her social life, her reading, her needlework, visits to the cinema or theatre, her tennis or whist drives, her excursions into the country and her seaside holidays. To both the ratepayer and his wife Local Government is something which they know exists, but which is far away from their own lives. They know that there are Councils of various sorts, that there are such people as Mayors and School Attendance Officers and Sanitary Inspectors, that they are regularly served with demands for the payment of rates, and that it is the Council that collects their rubbish and—in some towns—runs their trams. They know that at intervals they are sent forms to fill in for an election register and that they occasionally find circulars in their letter-boxes inviting them to vote for somebody or other at a Council election. But their knowledge of Local Government seldom goes very much further than this.

Experiments have been made in testing people selected more or less at random on the extent of their knowledge of how their Local Government was being run. Most ratepayers are unable to mention the names of more than two or three of the members of their local Council. Quite a number are unable to mention any; and in a good many cases the names are mere names, which have stuck in the memory through having been placarded all over the hoardings at a recent election. To few people are the names associated with a policy or a personality. Whilst nearly all are acquainted with the existence and general functions of a Sanitary In-

spector, comparatively few know whether their local Council employs a Surveyor or not, and still fewer know exactly what kind of work a Council Surveyor does—many believe that he spends his time in measuring up land. Shopkeepers know from practical experience of the existence of an elaborate machinery for testing the quality of foodstuffs exposed for sale to the public; others are almost entirely ignorant of the extent, or even of the existence of the system. Large numbers of people are ignorant of the existence of special centres for the free treatment of Tuberculosis, and of Child Welfare Centres. And when individual ratepayers have a grievance against the local Council—when they feel that their road charges for paving the street are too high, or when they are annoyed by fumes from an offensive chimney in the neighbourhood and think that "the Council ought to do something about it", or when they want to protest against an increased assessment for rating—they seldom have the most elementary idea as to what real remedy they have got, or how to set about obtaining redress of their grievance. Some seem to imagine that the whole duty of providing Local Government services rests on the police.

Local Council news is usually quite fully reported in the local newspapers, though usually, one cannot help suspecting, more because it provides genuine local news for filling the columns of the paper than because of any great demand for it. In few districts is the regular purchase of a local paper anything like universal, and of those who do take in the local paper many—probably most—readers either pass over the Council news altogether or else leave that part of the reading-matter till they have exhausted the more interesting items. And local editors seldom "feature" Council news unless there happens to be something in the nature of disorder; a public snarling match between two irate Councillors or the expulsion of a Councillor from the room for defying the Chair is sometimes given more space in the local paper than

a housing scheme costing tens of thousands or a town-planning proposal affecting every property owner in the district. Though the ratepayer has no legal right to attend Council meetings, it is the practice of most Councils to admit the public during the major part of their discussions, but there is rarely a queue of disappointed ratepayers turned away because the public gallery is full. Even when special public meetings of ratepayers are called—as under certain Statutes they have to be called—to decide whether a town shall apply to Parliament for powers to undertake new schemes, the attendance is usually so small that the Royal Commission on Local Government in 1929 recommended the abolition of such meetings on the ground that the ratepayers generally showed that they had no wish to attend them. At such a meeting called in Birmingham in 1924, out of 300,000 electors who had a right to attend and record their votes, apart from the members of the City Council twenty-four persons put in an appearance.

Under these circumstances it can hardly be wondered at that the percentage of electors exercising the franchise at local elections is small. No statistics have been compiled for the country as a whole, but local returns show that it is the exception for more than half the electorate to record their votes. Where the great political parties contest local elections the percentages are usually much higher than where elections are fought on the Independent system. But even in the elections for the London County Council, where the Party contests are very keen, the normal voting percentage is about a quarter of the total electorate, whilst a Parliamentary election in the same area usually brings two-thirds of the electorate to the polls. Other County Council elections, where there are contests, show percentages in some cases of 5 per cent. polls. At an election for the Norfolk County Council in 1925, one candidate found his election meeting attended by the gentleman who had consented to act as chairman of the meeting

and by a newspaper reporter. Otherwise the hall was empty. At a Parish Council election in Essex in 1934 the fact that it was a wet day damped the ardour of all but two voters. Possibly the highest achievement in voting percentage has been that of Minehead, where the enthusiastic activities of a newly-founded Ratepayers' Association galvanised the electorate into sending 90 per cent. of their numbers to the polls.*

One of the most obvious slurs upon the mental calibre of the electorate is the universal practice of sending cars to fetch voters to the poll, even on the sunniest and mildest of days. In the days when the motor-car was a rare and expensive luxury, a wit wrote: "I saw a man the other day—I knew he was a voter. For, in a navvy's corduroys, he was riding in a motor." No election agent feels that he can afford to neglect the motor-car in his provision of an armoury for any election that is likely to be closely contested. On occasion whole fleets of cars will be seen round a constituency, with enthusiastic canvassers knocking at doors and imploring reluctant electors to come down and vote, sometimes even using a mild degree of good-humoured force to push a voter into the vehicle, hoping that the provision of a free and comfortable ride to and from the polling station will persuade the voter to record his vote for the name advertised on the car. A further commentary on the mentality of the electorate which characterises both Parliamentary and local elections is the reliance on mere reiteration in what is euphemistically called Election "literature". The elector is urged to "Vote for Smith" hundreds and thousands of times by means of posters, handbills and window-cards; Smith's opponent, whose experienced agent advises him that such crude methods have a considerable value, follows suit with an equal or greater number of notices urging the elector to "Vote for Brown". In some contests candidates have been known to display Union Jacks on their cars in hopes that the associa-

* The extension of the local franchise in 1945 has so far made no appreciable difference to the proportion of electors voting.

tion of their candidature with the national emblem would influence voters in their favour.

Any person who has had experience of canvassing for local elections is aware how little the electorate as a whole knows about the candidates and their policy, except it be in places where the Party system is adopted. In the more crowded towns the vast majority of the electors have no idea at all as to what kind of a person is the candidate for whom the canvasser is seeking support, whether he is a genius or a brainless fool, whether likely to be extravagant or parsimonious. Occasionally a candidate is known along a whole street simply as "the grocer round the corner", and is judged by his courtesy—or lack of it—to his customers or by the dearness or cheapness of his wares. A local schoolmaster who is a candidate may be fairly widely known, but only as a schoolmaster. Church- and Chapel-goers will recognise someone who acts as sidesman at the services, or who runs the Sunday school. But as far as the members who are seeking re-election are concerned, very few people indeed have ever taken the trouble to follow up the careers of their representatives after election, and there is an almost complete ignorance as to whether they have been active or passive members, whether they have shown constructive initiative or have proved stupid obstructionists.

In small provincial towns and rural districts, where a local candidate is often well known in his district through social activities, canvassers find those electors who are willing to chat about the election giving all kinds of irrelevant reasons for supporting or opposing particular candidatures. They are going to vote for Smith because he always subscribes handsomely to their football club or their amateur dramatic society, because he works for the chapel, because he is always so full of jokes and puns at dances and whist-drives, because he collects for the hospital, because he often stands drinks in the local tavern. They are going to vote against Brown be-

cause he has a noisy barking dog, because he is a teetotaller, because his wife once didn't say "Good-morning!" to the elector's wife, because he wouldn't buy a ticket for the bazaar. Very rarely does the canvasser find himself called upon to justify a Councillor's actions on the Council, as to why he voted for this scheme or why he opposed that. It is sometimes said that the last thing that counts in a municipal election is gratitude for past services; this is to a large extent true, but it is true mainly because the mass of the electorate have never taken the trouble to provide themselves with evidence as to whether or not the candidate has earned any gratitude.

The apathy of the great majority of the electorate, and the ignorance of a still greater majority, lend themselves to obnoxious forms of exploitation. Constituencies of Boroughs, Urban Districts and Rural Districts average somewhat less than three thousand electors each. Unless there happens to be some abnormal excitement about a Council scandal or a sudden increase in the rates or assessments it is unlikely that more than half the electors will go to the poll; to take an average election in quiet times, with no big local problem before the voters, probably from a quarter to a third will vote. A poll of 600 will win the vast majority of such constituencies. Since a very large percentage of those who do vote can be paired as husband and wife, this means that if the ratepayers of 300 houses can be persuaded to go down and vote for a particular candidate victory is practically certain—more usually the conversion of a couple of hundred ratepayers will be sufficient. This leads some calculating individuals to "nurse the constituency" by doing little things to get into the good books of groups of ratepayers who live in the ward which is to be contested. A subscription to a local club will tend to win votes among the members of that club; continuous and "generous" subscriptions may prepare the ground for a request for canvassers and cars when election

time comes. Active membership of a large society may lead to the provision of a similar body of helpers. If a man can afford it, a "generous" distribution of Christmas parcels round the mean streets of the Borough may be used for the purpose of demonstrating that at local elections gratitude is not always the last thing that counts. A free excursion to the seaside for the local school-children will make still more friends. Such practices are not confined to Independent elections or even to local elections; similar methods of "nursing the constituency" are known among members of the great national political parties in districts where parties are fairly evenly balanced.

It is here that the wealthy man finds the easiest road to a seat on the local Council. Although the Corrupt Practices Acts declare it illegal to give any money or valuable consideration to any voter in order to induce him to vote, it is impossible to get at the offender who "nurses the constituency" by gifts and subscriptions, or even by the wholesale standing of drinks, provided he has sufficient common sense to avoid openly saying that he expects political support in return for his favours, and provided that he suspends his nursing operations during the actual period of the election campaign. The Tammany Boss is fortunately rare in English Local Government, perhaps because comparatively few wealthy men want to enter public life, but Tammany manœuvres on a petty scale, representing an attempt to win votes by gifts of one kind or another, are quite frequent in English constituencies. And however discreditable such practices may be, the major share of the blame must fall on the electorate and not on the person who plays upon its foibles. If the time ever comes when the majority of citizens are really interested in the efficient government of their districts, it will be impossible to cajole the electorate into selling its democratic birthright for individual helpings of pottage.

THE COUNCILLORS

There are three gates of admission to local elections. Anyone who is on the list of electors for the current year, any person who has resided in the area governed by the Council for a whole year before the election, and any owner of freehold or leasehold land may be nominated. Only one of these qualifications is necessary; hence the landlord of a house which is in the area, even though he does not live in the district, may put up for election; a resident, accidentally omitted from the local electoral register, may yet become a member of the Council. In elections for Parish Councils, where suitable and willing candidates are likely to be scarcer than in elections for larger areas, the residence qualification is extended to those who have lived within three miles of the parish boundary.

But besides qualifications there are certain disqualifications. Persons under the age of twenty-one, aliens who have not been naturalised, and certified lunatics are ineligible. Persons who hold paid appointments or "profitable office" under a Council may not put up for that particular Council, exceptions being made in the case of a salaried Mayor or Chairman of a Council and in that of a County Sheriff. In the special case of salaried Poor-law officers who have been dismissed from their posts, exclusion from seats on the employing Council extends to five years after dismissal. Exclusion under the heading of paid office extends to teachers in both maintained and provided schools. Any person who has received poor-relief during the preceding twelvemonth is disqualified, unless that relief has been in the form of medical attention only, or of assistance to the blind. Those who become bankrupt or go into voluntary liquidation are disqualified for five years thereafter, unless they succeed in paying up their debts or are discharged with exoneration. Those who have been sentenced by the Courts for corrupt

practices may be disqualified; those who for any offence have been sentenced to imprisonment for three months without the option of a fine, and those who have been condemned by a District Auditor for illegally spending public money to the amount of £500, are disqualified for a period of five years. During the debates on the Local Government Act of 1933 the Labour party proposed to remove the disqualification of those who had received poor-relief, but the amendment was not carried. Women are eligible for nomination on the same terms as men.

The most striking feature about local elections is the enormous number of unopposed returns, particularly in places where there are no Party elections. This is sometimes taken to indicate that local administration is so well conducted that in large areas the electors are perfectly satisfied with their former Councillors, and have no wish to oppose them when they come up for re-election. Such satisfaction as exists is almost invariably the satisfaction of apathy and ignorance. Most electors cannot have a grievance against Councillor Smith or Councillor Brown because they know nothing whatever about what those gentlemen have done on the Council. The main factor in the situation is the unwillingness of the people generally to interest themselves in Local Government and to volunteer their services in administration. Many cases have been known where a whole neighbourhood has been roused to temporary indignation by some action of the local Council, where not a person seems to have a good word to say for any member of the Council, and yet not a single candidate has been forthcoming to challenge a seat. That there should be a shortage of candidates for County Councils is not so surprising, since membership of most of those bodies involves considerable expense in travelling. Under the Local Government Act of 1929 County Councils were empowered to pay the travelling expenses of members, but the existing members of those Councils showed no desire

to encourage competition for their seats, and the difficulty of finding people to sacrifice their time to Council work is intensified in the Administrative Counties by the fact that members are not only required to devote their time free of charge but are actually asked to pay an annual sum for the privilege of serving their counties. In 1934 it was estimated that the average travelling expenses of the County Councillors of Kent came to £10 a year, those who lived farthest from the county town, Maidstone, paying of course more than those who lived near it. The fee of £30 or more for a three-years' tenure of office is enough to damp the public spirit of more than a few citizens. A proposal for paying the travelling expenses of those Councillors only who specifically asked for reimbursement, was thrown out in that year by the Kent County Council by a large majority. In the following year, however, this decision was reversed. It is significant that in this populous and busy county adjoining the Metropolis, out of seventy-three seats sixty were filled by unopposed returns in the elections of 1934. Recent figures for other counties tell the same story—Cornwall with three contests in sixty-six constituencies, Cumberland with forty constituencies had no contests at all, thirty-eight unopposed returns and two constituencies left unrepresented through a total absence of candidates.

But these financial penalties do not apply to any appreciable extent in other Local Government units, except in some large Rural Districts. In most urban centres a few pence on bus and tram fares is all that is demanded in the way of Councillors' travelling expenses. Yet even here we find the same perpetually recurring shortage of candidates, though not on so large a scale as in the counties. The same factors that prevent the electors from interesting themselves in Council news and keep so many of them from exercising the Local Government franchise apply with redoubled force to candidature for membership. People have their own private business to

attend to, and their own private interests and amusements; few want to be bothered with attending Council and Committee meetings. There is no salary for being a Councillor, though the Mayor or Chairman may receive a grant to enable him to indulge in civic entertaining. Councillors do not get excused the payment of rates—although there is a strangely persistent belief that such is the case. If it is proposed that some slight concession shall be granted to Councillors, such as free tickets for Corporation trams or free admission to entertainments run by the municipality, there is at once a violent outcry from the few people who watch Council news, and just such an outcry as is likely to be taken up by "the man in the street". And to get a sitting member out means a contest, and that means a certain amount of expenditure. When an elector reads in a manual on Municipal Elections published in 1934: "With reasonable care, avoiding lavish and unnecessary expenditure, a candidate should be able to keep his expenditure within £10 or £15, without seriously jeopardising his chances", his enthusiasm for serving the public may be considerably damped.

A second remarkable feature about local elections is the extremely low standard of capacity displayed by the candidates. It is not so much that there are candidates of illiterate speech and low social standing, though many stock jokes are based on the illiterate and ignorant Councillor—the possession of a big bank balance and of a book education are by no means essential for administrative capacity. It is not so much that few candidates are capable of making a good speech: the "gift of the gab" is not synonymous with statesmanship. Candidates are usually not far above the ordinary standard of the electorate in their knowledge of Local Government; until elected they have the most shadowy notions of both the structure and the functions of local authorities; their policies are usually of the vaguest type, the normal election address advocates merely "efficiency

with economy", or as an alternative policy "economy with efficiency". Even those who can point to several years' service on the Council are often amazingly ignorant of the system they are supposed to have been working. The average election meeting leaves a poor impression of the candidates who are aspiring to the position of governors of their district.

The same impression of incapacity is given by the normal type of debate in Council. Those Councils that reduce their public meetings to a series of formalities and reserve their discussions for Committee make the best impression on the public gallery, since the member who, as the saying goes, "never opens his mouth without putting his foot in it", may look dignified in a session that is silent except for formal resolutions and announcements by officials. But in those Councils that allow a considerable amount of public discussion there is plenty of material to provide an intelligent observer with amusement. After one member has urged an argument in considerable detail, a second member, not being content with merely indicating approval of the first speaker's argument or of adding supplementary information which reinforces it, will go over exactly the same ground as the first speech covered, almost in the same words, wasting a considerable amount of time in sheer repetition. And sometimes a third, or even a fourth member, will follow suit. The most childish and ridiculous arguments are solemnly brought forward in support of or in opposition to the policy under discussion. Statements concerning the elementary facts of the situation—facts which should have been mastered by an intelligent person before commencing to consider the problem with a view to expressing an opinion on it—of a glaringly false nature are confidently put forward, not through any desire to lie, but through sheer ignorance. Councillors at times will get some way into a speech before they find, from a few noisy protests from other members, that they are

speaking on a different subject from the one under discussion. In some towns there are people who regularly attend the public gallery of the local Council meetings in order to get an evening's amusing entertainment free of charge or tax, and who express disappointment if nothing ridiculous happens during a whole session, since such an absence of material for comedy is abnormal. And the stupidities of debate are not confined to the petty rural authority; some of the largest Borough Councils are infected with the same kind of widespread stupidity. Sir Ernest Simon tells how, on the Manchester City Council, a member took exception to part of an important scheme the report on which had been circulated among the members preparatory to its being brought up for approval at the Council meeting. When the objection—a particularly stupid one—was raised, Sir Ernest anticipated that the Chairman of Committee would at once enlighten the objector as to the reasons for the disputed provisions and defend his Committee from attack, but so nonplussed was the whole Council by this challenge to the wisdom of the recommendations that without a single word of explanation or protest the whole scheme was abandoned. The same distinguished writer describes in vivid fashion how, when he was appointed a member of the Finance Committee, he imagined that he would be assisting at the business-like discussions of experts, and then found himself taking part in meetings where many members took no trouble even to follow what was going on, still less to examine the figures and suggestions laid before them by the officials.

But it must not be imagined that every Council meeting is one big pantomime. Although most Councils have their clowns and pantaloons, there are usually some members who stand out as capable administrators. There are, of course, the members who, too stupid or tongue-tied to take any part at all in Council discussions, earn the kind of testimonial that the sailor gave with his parrot, that "he doesn't talk much, but

he thinks a lot". There are others who show themselves capable of clear thinking, who have set themselves to understand the system of Local Government that they are helping to work, and who are able to point out the essentials of the problems laid before them whilst disregarding the petty irrelevancies which occupy the minds of so many Councillors. Such men are scarce in local adminstration, one might even say rare. The Departmental Committee on the conditions of employment of Local Government officers declared in 1934, "High administrative ability is not plentiful"—perhaps echoing Napoleon's emphatic dictum, "Good God! How rare *Men* are!" But there are special factors which tend to reduce the supply of efficient members to local authorities.

The man of outstanding mental capacity is attracted continuously to forms of activity which, though not necessarily presenting themselves to him as "work", once they have attracted his interest, tend to absorb him. Among the many forms of activity which present themselves to such a person, service in Local Government is not one of the most obvious. So little is known by the general public of Local Government activities that achievement in this sphere does not present itself as a possible aim with the same frequency as, say, achievement as an amateur actor, as a local archaeologist, as an organiser of social clubs, or as a sportsman. The man of first-class intellect is often absorbed in the activities presented by the line of business in which he earns his living. Many men who would make excellent Councillors are "too busy to devote time to Council work", which usually means that they find their normal economic work sufficiently fascinating to absorb their energies for considerably more than the number of hours necessary to obtain a decent livelihood. And the common ignorance of how Local Government is run and what a Councillor has to do prevents this form of activity from presenting any particular inducement to the active and capable man. Council work appears a vague business of

speech-making round a table at the Town Hall, with occasional discussions as to whether a new park shall be laid out or a public lavatory built. The enormous extent of Council activities, the great scope for men of administrative capacity, the variety of interest provided for the intelligent citizen, these are usually hidden from him. There is also the discouragement of the financial costs incident to membership of some Councils, the possibility of being involved in heavy election expenses, if not the costs of travelling. Yet another discouragement is provided by the fate which often befalls men who have shown themselves possessed of outstanding capacity in Local Government. Good men have been choked off municipal service by the spectacle of active, honest, hard-working and capable Councillors being ignominiously beaten by large majorities composed of ignorant electors who have been jockeyed into the polling station by the superior manipulation of electioneering tricks possessed by the agents of brainless nobodies whose only reason for entrance into public life is to obtain the high-sounding title of "Councillor".

For it must be admitted that the prestige which seems to many people to cling round the title of Councillor is a big incentive to persons who would otherwise never dream of asking the electors to return them. At an election in 1934, a local newspaper headed its list of nominations for the local Council, "Candidates who are seeking Honours". Though the unintentionally ironic description did not aptly apply to all the candidates on the list, it was not by any means an inapt description of large numbers of those whose names appear on the ballot-papers. It is more particularly among those who have made a little money and are aspiring to social advancement that the dignity of Councillor appeals as a handle to one's name; to be addressed as "Councillor Smith" sounds so much better than plain Mr Smith, whilst the vague suggestion of wisdom which lurks in the term Councillor

also has its pleasing effect. The old Scottish story of the newly-elected Bailie who entered his cowshed and effusively embraced the first animal he came across with the words, "Eh, Jenny, you're a Bailie's coo the noo", has a strong basis of human nature. The bitter heartburnings which torture some Councillors on their defeat at an election often spring, not from the fact that they can no longer influence the policy of their government, but from the loss of social prestige which they believe to cling round the title they have lost. It is said of quite a number of Councillors, too, that the motive force behind their candidatures is the desire of their wives to be announced as Mrs Councillor.

Though statistics on such a point are, of course, not available, it is probable that with somewhere about half the candidates who put up for local Councils under the Independent system of election the dominant motive is social ambition; in districts where the Party system is in vogue the proportion is not so high, but is by no means eliminated. In Party-contested areas where the balance of forces is fairly equal, it is a source of chagrin to the seeker after titles, no less than to the seeker after opportunities to serve the community, that it is necessary to hitch one's waggon to a political party which may be thrown out of office in a short while. With some of these title-seekers other motives come in as secondary forces; attendance at Council and Committee meetings may seem likely to be interesting; there may be a feeling that possibly the candidate might find work in some department of the local authority that would be really useful; there may even be an attraction in finding an excuse for spending evenings away from home.

When this very large body of people whose interest in Local Government is factitious "arrive" at the object of their momentary ambition, most of them settle down comfortably to vegetate, at least as far as Council work is concerned. Those, however, who in addition to social ambition

possess a certain amount of mental alertness, are inevitably attracted by the varied work which they find awaiting them on appointment to membership of the Committees. Not a few men, whose entry into municipal life was due entirely to social ambition, have become quite good Councillors, but the majority remain drones for the whole of their public career. But the evil does not stop at this point; though some are content to drift along as ordinary rank and file of the local Council, the same kind of personal ambition which originally led to their seeking election leads them to seek promotion to positions of greater dignity than that of a common or garden Councillor. There are Chairmanships of Committees, there are Vice-Chairmanships and Deputy-Mayoralties, and there is the chain of office of the Mayor or Chairman of the Council; all these begin to attract the people who are "seeking honours". It is true that only a small fraction of the people of the district have the slightest idea who is Chairman of this or that Committee of the local Council, and that the position of Chairman of the Baths and Washhouses Committee or of the Pleasure-Grounds Committee does not impress the outsider as conferring any very remarkable distinction upon its occupant; but those who move within the circle of municipal life come to attach a considerable value to such positions, not only because the position of Chairman enables a member to take a much more active part in the administration of a department, but because the title of Chairman seems to put the holder one grade higher than the rank and file. At the beginning of a municipal year, when Committees are reconstituted, there is, in thousands of Town Halls all over the country, a fluttering and twittering of elected persons busily intriguing for promotion to the dignity of Chairman of Committee, Vice-Chairman, Deputy-Mayor, Chairman of the Council or Mayor of the Borough. And just as most of those seeking election at the polls are quite unfitted to take an effective part

in public life, so most of those who intrigue themselves into Chairmanships are totally incapable of serious administrative action, and often ignorant of the most elementary facts about the Department they are apparently anxious to supervise.

Some few title-hunters do not even stop at the Mayoral chain of office. When the title of Councillor begins to pall a little, and when even the position of Chairman loses its novelty, some of this fraternity proceed to aim higher still. The Chairmanship of a local Council has been made a stepping-stone to more permanent "Honours", especially when accompanied by a judicious display of "charity". A man who has proved his devotion to the public service by having risen to the position of Chairman of a local Council or of Mayor of his town, and his devotion to philanthropy by well-advertised contributions to local charities, may obtain one of the minor orders in the "Honours" list for the year, may be enrolled permanently on the Commission of the Peace and be able to write "J.P." after his name, and may even by good fortune finish up with a Knighthood.

Of those who put up for election in order to do some serious work on the Council, some have been prompted to take action by some particular grievance, an exorbitant assessment or trouble over refuse-collection, which has convinced the candidate that the affairs of the district are not being run as they should be; others have got a general impression that the Council wants "waking up"; others have been asked by a local Ratepayers' Association which has a grievance against the Council to put up as a representative of that body; others feel inclined for administrative work and hope to get a chance of doing some for their district. And of course there are the retiring Councillors who wish to be re-elected. And in the Party contests there are people who are merely members of their respective political parties. It is said that the fairly large number of shopkeeper candidates is due to the fact that

shops, as being more valuable property than ordinary houses, are comparatively highly assessed, and hence the shopkeeper has a special interest in keeping the Council from extravagance which would cause a rise in the rates.

It remains to mention the class containing those who have "an axe to grind". Though strictly speaking the title-hunter comes into this category, since he seeks election to benefit himself rather than the community, the name of "axe-grinder" is usually reserved for those who attempt to serve their own material interests—particularly their financial interests—by obtaining seats on a local authority. The numbers of this fraternity are not only less, but very much less than they have been in any previous period. There are several causes for this highly satisfactory improvement. The general standard of administrative honesty has improved both in Central and in Local Government. The supervision exercised by the Government Departments is more thorough than it was formerly. And, in spite of its manifold deficiencies, the personnel of local authorities is of a higher moral tone as regards jobbery than it was half a century ago. In spite of the well-known Shakespearian query, there is often a great deal in a name. When the Urban and Rural Sanitary Boards became Urban and Rural District Councils in 1894 there was a psychological reaction to the change: to be a Member of a Sanitary Board seemed nothing to boast about, to be a Councillor sounded much better. The title-hunters who fill such a large space in present-day Council life were not in evidence outside the Boroughs before 1894; the lack of candidates was far greater than it is to-day; and the seats were filled in numerous cases by those who were brought there by the chances of making a personal profit out of their membership. Whatever the shortcomings of the title-hunter, who is the bane of local administration to-day, he is not necessarily dishonest in financial matters, and the Councillor who will help an incapable fool to find a seat on the Council in the

same way that a man will introduce a friend to his club will often revolt against any suggestion that he should take part in a corrupt contract or a jobbed appointment. The axe-grinder's activities are now conducted usually on a more petty scale. Some farmers obtain seats on Rural District Councils in order to check the activities of Sanitary Inspectors under the Milk and Dairies Acts. Some builders obtain seats in order to influence such schemes as road-making and town-planning to the advantage of their own estates. There are cases where members cannot resist the temptation to jockey their friends into salaried posts in the employment of the Council, but they seldom put up for election with the deliberate purpose of doing so. Such corruption and jobbery as exist usually develop through the foibles of members already elected; cases of scheming persons entering a Council for the express purpose of making money out of the business are fortunately rare.

Taken as a whole, the average English local Council is a poor thing. Were the members left to undertake the duties of supervising the details of local administration, in the same way as the old Parish Overseers and Surveyors of Highways were compelled to do in the eighteenth century, there would be chaos in a very short time in most areas. Fortunately most of the ignorant ones and all the title-hunters leave the work of effective supervision and control to the chiefs of the municipal civil service, the paid officials. Where the officials prove incapable or corrupt, the lack of intelligent control and supervision by the elected Councillors leads to administrative disasters and scandals which make good copy for the newspapers. Over the doors of the public gallery of many Councils might be written the inscription alleged to have been exhibited in the gallery of a provincial theatre in the Wild West of America in the days of Buffalo Bill: "Don't shoot the fiddlers; they're doing their best." After a Councillor has been elected, before he is allowed to take part in business

he has to sign a declaration to the effect that he takes the office of Councillor upon himself, and "will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability". No doubt the great majority are faithful to their pledge. "Don't shoot the Councillors; they're doing their best."

CHAPTER III

THE OFFICIAL ELEMENT

PAID OFFICIALS AS AN INNOVATION

THE idea of having a staff of paid officials to conduct the greater part of the business of Local Government is an extremely modern one. The old English tradition was that service in local administration was a duty incumbent upon every citizen. The English citizen should be no more paid for supervising highways or acting as policeman than he should be paid for obeying the law or for going to Church. Well into the nineteenth century the vast majority of Local Government officials in England received no pay whatever for their services. The normal unit of Local Government was the Parish, and in every Parish there were annually appointed a number of officials from amongst the general body of rate-payers. The greater part of Parish government was conducted by four types of official: there were one or more Constables, who acted as policemen; there were two or more Church-wardens, who looked after the fabric and equipment of the Parish Church; these officials dated far back into the Middle Ages. In the Tudor period there were added a Surveyor, who was responsible for seeing that the roads were kept in good condition, and two or more Overseers, who administered the Poor-laws in the Parish. There were sometimes minor officials, such as a Town-crier or a Dog-whipper, who had to prevent dogs from interrupting Church services. The Manor-Courts which survived in large numbers up to the beginning of the nineteenth century also appointed a series of officials whose duties were rather connected with the old system of co-operative agriculture than with what we should now term Local Government—such people as the

Hayward and Common Cowherd. Often the appointment of the Constable was a matter for the Manor-Court rather than for the Parish Vestry. In the "good old days" it was extremely rare to find any of these officers receiving a salary. The official most commonly paid was the Parish Clerk, who did the miscellaneous secretarial work of the Parish, and often united with his office that of Sexton, and where he was paid anything at all it was usually what might be termed an honorarium of a few pounds a year.

But with the large increase of population which took place in the eighteenth century, particularly in the new industrial centres, it became increasingly difficult for the work of Local Government to be carried out with any efficiency by a group of amateurs who for the greater part had their ordinary occupations to pursue during most hours of the day. It was customary to choose new officers every year, and a system of taking the duty by rotation among the ratepayers existed in most places; those who were extremely unwilling to serve could get out of the duty by paying a fine, whilst the very poor were exempt, usually because it was felt that they might be liable to corruption, for a very small tip might be enough to tempt a poor officer to neglect his duty of taking action against those guilty of breaking the laws of good rule and government which he had to administer. In anything but a small village it was useless to expect satisfactory results from men who were conducting local administration as a spare-time job without pay, whilst the mere fact that the officers were changed annually prevented such efficiency as they did manage to develop through experience from lasting very long. Hence, in the eighteenth century, we find growing up a custom of appointing salaried officials, paid out of the rates, to deal with the increasing mass of duties which the growth of the new towns created. These paid officials did not replace the unpaid ones; they almost always received the title of Assistants; the unpaid officers continued to take their turn at

a year's service, but all the work was left to the paid Assistant. There was no legal authority for such appointments, and the modern doctrine of *Ultra Vires* would have declared every payment from the rate fund for these salaries illegal, but the central Government rarely bothered itself about purely local affairs in those days, and the system spread. Some towns took the precaution to legalise their action by obtaining Local Acts authorising such appointments, and where these paid appointments were made the improvement in administration was very marked.

The new system, however, lent itself to abuse; there was a good deal of jobbery and favouritism in making the appointments. And in these very early days of the paid official a situation arose which led to prolonged discussions, and which is still causing trouble and leading to prolonged discussions in some places at the present day. The most unpleasant part of the system was the addition to the burden of the rates, and Vestries were anxious to reduce the cost of these new appointments to a minimum. The salaries paid were, therefore, quite low ones. But the most intelligent Vestrymen soon discovered that there were two serious disadvantages inherent in the payment of low salaries. In the first place, the offer of a low salary excluded the more capable men from taking on the work, and the lower the salary the lower the type of applicant. First-rate skill usually seeks first-rate pay, and in ordinary business pay is generally proportioned to the ability of the employee. By refusing to pay more than very low salaries, the Vestries found themselves served by a very poor type of official. In the second place it was discovered that many of these low-paid officials yielded to the temptation to increase their emoluments by various forms of corrupt conduct. The poor had always been excluded from service as unpaid Parish officer because of the ease with which it was considered that a poor man could be bribed. Exactly the same factors applied to poorly paid employees. The amateur

Constable who had no salary for his police work, and whose wages barely sufficed to keep him and his family, was much in the same position as the professional Assistant-Constable, who had no wages other than those he received for his police work and who was barely able to maintain himself and his family on those. In most matters of expenditure there is not only a danger of extravagance at one end of the scale but a danger of "false economy" at the other. Some of the Vestries quickly realised the fact that the cheapest men were neither capable nor honest; others could not withdraw their gaze from the figure of the local rate, and continued to have trouble with their wretchedly paid staffs of officials. Many local authorities have not yet learned the lesson.

The paid official had come to stay. With the gradual development of what is vaguely called "civilisation"—the adoption of higher standards of comfort and decency by public opinion—there was an increasing demand for efficient local administration, attaining at times and in places to a demand for the services of the expert. This development was seen in the spheres of Public Health, Highway maintenance, Poor-law, Police, Street lighting, Street paving, and amenities generally. Hence there slowly emerged a small army of Local Government officials, varying in efficiency from district to district, but all doing their job better than the unpaid amateur could ever have done it. Every new function undertaken by a local authority, every new set of duties imposed upon local authorities by Act of Parliament, involved an addition to the numbers of officials and an increasing amount of specialisation among officials, until the ranks of the Local Government service came to include men whose salaries varied from a pound a week to several thousand pounds a year, and who included among their numbers expert engineers, skilled doctors, learned University men and even experienced theatrical managers. What has sometimes been called the "Municipal Civil Service" now numbers more than 150,000

salaried officials, without counting teachers in municipal schools.

THE RECRUITMENT OF OFFICERS

The staffs which carry out the regular work of the local authorities range—if we omit the Parishes, which have mostly no officials at all, or a one-man staff consisting of a part-time Clerk—from the little group of half a dozen or a dozen persons who manage the affairs of the smaller Rural and Urban District Councils up to the battalions of officers who serve the larger Counties and County Boroughs, culminating in the veritable army of officials employed by the L.C.C., who exceed in number the total population of some English Boroughs. They include men and women who specialise in all kinds of work: engineers, surveyors, lawyers, accountants, rating officers, doctors, sanitary inspectors, building inspectors, electricians, entertainment managers, transport directors, education experts, and many others, along with a host of clerical assistants who do general office work. Those who receive salaries paid at intervals of a month or longer are termed "Local Government Officers"; those who draw a weekly wage are termed "Local Government Servants".

Of the general administrative areas into which England is divided the law definitely prescribes a minimum number of officers for all except the Parish, which need have no officers at all. The legal minimum, however, is a very small one. All the other general units—the Counties, Boroughs, Urban Districts and Rural Districts—must have a Clerk, a Treasurer, and a Medical Officer of Health, whilst all these units except the Counties must have a Sanitary Inspector, and all except the Rural Districts must have a Surveyor. The Ministry of Health is also empowered by law to prescribe a minimum number of officers in the Counties and County Boroughs for Poor-law purposes. The actual number of officers employed is left to the discretion of each local authority, and districts

vary very considerably in the size of their staffs, even comparing one similar unit of similar size with another. There is usually a feeling of unwillingness among the ratepayers, expressed less forcibly by the elected representatives, to increase the burden of the rates by the addition of names to the salary list, and heads of departments often have to put up a long struggle to get additional officers attached to their portion of the staff. The tendency is, however, for the size of administrative staffs to grow; not so much because either ratepayers or Councillors are convinced by reason that expansion is necessary, but because the Councillors, who control the voting of public money for the new salaries, associating regularly with the permanent staff in their attendances at the Council Offices, are led by the amicable relationship which usually exists between the elected and the official members of the administration to consider such demands in a friendly and sympathetic spirit; there is often a struggle between the desire to keep down expenses and the desire not to appear harsh towards the official, and in most cases sooner or later the addition demanded is made.

The majority of municipal staffs can be divided into two classes of officials: the ordinary clerical official, who comes into municipal service soon after leaving school, and the specialist, who may enter municipal service at practically any age, though most specialists begin their municipal careers quite early in life. In these higher posts there is a great deal of transference from one local authority to another, and even among the rank and file of the office staff transference from one municipality to another is not uncommon. There are two subsidiary groups, one of which is related to the specialist class, and the other less specialised. In a good many places senior officers are allowed—or even occasionally, for reasons of economy, required—to take on "articled pupils" who, like the old English apprentices, pay a premium for permission to learn the business of a specialist officer; these "pupils" begin

their work usually between the ages of eighteen and twenty-one. And a few local authorities reserve some of their posts for candidates who have enlarged their general education by taking the post-matriculation courses at Secondary Schools, and are considered by these authorities to possess a greater all-round capacity than those who leave school earlier.

A few of the larger authorities hold an entrance examination for those wishing to enter their service, for in some of the larger towns the number of candidates is so great that some kind of preliminary test is essential for the purpose of reducing the number of applicants to that required. But in most cases there is no examination; the Council will advertise in the local paper, or even send round to the headmasters of the local schools for suitable candidates. The majority of these subordinate officers are taken on in their teens, the most usual age being fifteen or sixteen, though some have been given employment at fourteen. Some of the more go-ahead Councils insist on a definite general educational standard among their officers, such as the School Certificate of a University, the Oxford Local Examination, or even the London Matriculation.

A Departmental Committee of the Ministry of Health was appointed in 1930 to consider the state of the Local Government Service, dealing with questions relating to recruitment, qualifications, training and promotion. The great financial crisis of 1931 led to the suspension of many useful activities by the Government, and though the costs involved in this inquiry were small, it was suspended. Eighteen months later, however, it was resumed, and a full report was issued at the beginning of 1934. This Committee, known as the "Hadow Committee" from the name of its Chairman, Sir Henry Hadow, reported strongly in favour of an educational test of a fairly high standard for all entrants into municipal service. The possession of the School Certificate, obtained by examination at the age of sixteen on leaving a secondary

school, was declared to be essential, even in rural areas. Parallel with this was the recommendation that the minimum age for admission to municipal service should be sixteen. It was further suggested that, in addition to this preliminary test of general educational progress, there should be another special examination for admission to the Local Government Service, such examination to be a test, not of proficiency in the ordinary subjects of a school curriculum, but of "general ability", presumably to test the candidate's general reading, interests, and mental alertness, with perhaps something in the nature of the now popular "intelligence tests". Some of the experts in municipal work who gave evidence before the Committee preferred the system of selection by personal interview, and regarded the idea of written examinations as somewhat of a new fetish; but the Committee decided that, whilst personal interviews might quite well be used as the final test to decide on the placing of candidates in their order of merit, and whilst a personal interview is essential before a candidate is appointed to a post, the interview must be regarded as a secondary part of the process of selection. There is a type of showy, "flash" candidate who comes well out of a personal interview with little real worth behind his superficial attractiveness, whilst many clever and capable persons may be affected with "stage fright" at an interview and put up a show far inferior to their merit.

Many criticisms were, of course, levelled at the suggestion that the written examination should be essential. Such examinations, it was urged, are no real test of administrative ability, though they may be good tests of memory and the power to "cram". Even the more elastic type of general examination failed to satisfy the objections of these critics, since, it was argued, there were many good officers who could probably never have passed a written examination in their lives. Whilst admitting that the written examination system, like every device that springs from human ingenuity,

is far from perfect, and fails to work with the best effect in some cases, the Committee asked what other method of testing was less subject to criticism, and failed to find one. Capacity to pass a written examination at any rate indicates the possession of "grit", the power of continued study to master a variety of subjects, whilst the type of brain-power required to produce good written answers to questions is just the type of brain-power called so frequently into requisition in the work of Local Government. A further objection raised was the difficulty of getting the smaller authorities to take the trouble of providing the second examination on general ability. The difficulty was admitted, and a suggestion made for a co-operative grouping of local authorities for the holding of joint examinations for all candidates applying for posts in municipal service within a regional area, and it was suggested that the County Councils and other authorities with populous areas should take the lead in organising such regional groups. One further advantage of the establishment of a recognised municipal examination would be, suggested the Committee, that it would advertise the "Municipal Civil Service" and attract candidates who at present might never have their attention drawn to the possibilities of this kind of work as a career. The publicity given to the National Civil Service by the establishment of the now well-known Civil Service examinations had certainly been followed by a considerable widening of the field from which Civil Servants could be drawn.

The practice of admitting to service students who have taken advanced courses in secondary schools after passing their School Certificate examination is confined to a very few authorities. The most pronounced development in this direction has been introduced by the London County Council, where the enormous size of the administrative staff gives scope for measures which would be more difficult in smaller bodies. The L.C.C. have established a definite "examination

bar" which all members of their junior staff have to cross before they qualify for the full rates of pay. The examination giving access to what is termed the "Major Establishment" is open to two classes of candidate, those juniors who have had five years' experience of service in the lower grade, and outsiders between the ages of eighteen and twenty. Since the candidates already in service have generally entered at sixteen, the outsiders have the advantage of being able to qualify for the higher rates of pay at a slightly younger age than the others. A premium is, as it were, put upon those who can afford to stay on at a secondary school for a couple of years after the School Certificate examination; two years' service as a senior schoolboy appears to rank as equivalent to five years' service in the Council offices. This system meets with definite disapproval from very many experienced Local Government officers. Two years in the office, working at the job itself, are—they say—worth far more than two years' study of literary or scientific or even commercial subjects in the very different atmosphere of the school. The representatives of the Headmasters who gave evidence before the Departmental Committee were naturally inclined to favour a system which kept the boys at school. "The two years following the first general examination are especially valuable in the training and development of mind and of character", they said; and the Committee were inclined to agree with them. The considered verdict of the Committee on this point was: "Authorities are practically excluding from their service some of the ablest men and women in the country, and in view of the nature and extent of their responsibilities they cannot afford thus to narrow the field of recruitment. It is a complete contradiction to spend money on higher education, and to refuse employment to the boys and girls who profit by it." There can be little dissent from the last statement. What the critics were really attacking, though perhaps not altogether consciously, was, not the reserving of posts for

students, but the value of the type of education provided in our schools.

The London County Council have gone one step further in recruiting officers at an advanced stage of general education. They have entered into an agreement with the Civil Service Commissioners to find a post every year for one of the University graduates who pass the higher Civil Service examinations. The allocation of most of the higher posts in the Civil Service to University graduates is no mere survival of the aristocratic monopoly of Oxford and Cambridge in Government appointments; a modern University training seriously undertaken provides an excellent preparation for administrative work. The experience in the handling of material and in the "presentation of cases" acquired in so many of the University courses is of the greatest value for work in a Local Government office. It is noteworthy that the old attitude of contempt for the scholar as opposed to the young business man formerly so prevalent in the ranks of industrial and commercial employers is dying out, and in recent years a number of important business firms have taken to appointing University graduates to purely commercial posts, with conspicuous success. Local authorities generally are inclined to distrust the idea, but the Departmental Committee declared that "local authorities cannot afford to make so little use of the ability to be found in the universities", and that "the case for bringing graduates into the Local Government service is so strong that the practical difficulties must be overcome". They are careful to point out, however, that retention in the service must depend in each individual case on what these graduates show themselves capable of doing; mere academic qualifications without practical skill in applying their knowledge will not do.

The appointment of the higher and more responsible officers is made, sometimes by promotion from within the office, sometimes by publicly advertising the vacancy in one

or more of the journals circulating among municipal workers. In some cases definite qualifications are insisted on by statutory authority. All Sanitary Inspectors, Inspectors of Weights and Measures, Gas Inspectors, and most Poor-law officials have to possess a certificate granted by certain examining boards; persons taking up the work of Health Visitor or Tuberculosis Visitor for the first time are required to possess similar certificates. The same applies to Medical Officers of Health who take on special duties in connection with maternity and child welfare, tuberculosis, and venereal disease.

Medical Officers of Health must be legally qualified doctors, and in most cases must possess a diploma in Public Health. The Central Government Departments have in some cases a right to veto appointments or a power to prevent dismissal. Where the salary of an official is specifically paid partly out of a Government grant both these powers exist, though there are modifications of the principle in connection with part-time officers and assistants to a senior officer. The appointment of Poor-law officers is not subject to veto by a Government Department, though in some cases it has to be notified to the Ministry of Health for its information; but the Ministry has a veto over the dismissal of senior officers in this branch of municipal service, whilst it also has unique powers of summarily dismissing any Poor-law officer. In the case of Clerks to County Councils, though not of other Clerks, the Ministry of Health, while having no veto on appointment, can forbid dismissal. Otherwise there is no direct restriction on the power of each Council to appoint or dismiss its officers. There are also some legal restrictions on the holding of joint offices; for instance, a Borough Treasurer cannot be appointed Town Clerk.

An example of the effect of judicial decisions on the course of Local Government was the startling result of the case of Brown *versus* Dagenham Urban District Council in 1929.

An officer who had been appointed under a contract which forbade his dismissal without so many months' notice was suddenly dismissed in violation of this contract. It was held by the High Court that Statute Law gave the employing Council the right to dismiss its officers, excepting those protected by the veto of a Government Department, whenever it pleased, and that no contract could affect this statutory right. At one blow similar contracts all over England became so much waste paper. It was felt, however, that the decision was inequitable, and the Local Government Act of 1933 —following the advice of the Royal Commission on Local Government given in the same year as the Dagenham case— extended legal protection to all such contracts.

The method of appointing officers differs widely in the various Councils. Sometimes the appointments are left to the senior officers of the department concerned; sometimes the Committee of the Council which will have most to do with the work of the particular officer makes the appointment; sometimes appointments are discussed and decided upon by the Council as a whole; a few Councils have a special Appointments Committee which deals with all departments. In a few cases senior officers are given salaries large enough to pay for assistants, and in these cases the officer not only appoints but fixes the salary of the junior. As a matter of principle, it is generally held that all those receiving their pay out of the rate fund should be approved by the elected representatives of the ratepayers, though often the senior officer is the best judge of the likely efficiency of the candidates.

One of the longest-standing complaints against Local Government is the prevalence of jobbery and favouritism in appointments to paid offices. This particular evil is not, of course, restricted to Local Government. It is one of the most widespread weaknesses of human nature and is apt to affect the most efficient and straightforward of administrators.

The root of the evil, at least in the majority of cases, is not so much the desire of the backsliding Councillor or official to make money out of a sordid bargain as the wish to do a good turn to a friend or to avoid giving offence by refusing the importunities of a touting applicant. There are few cases of bribery of Councillors or senior officers to effect the appointment of a particular applicant. But there is a constant tendency on the part of applicants to get in touch with influential members of appointing Committees behind the backs of the other members. It is no unusual thing, after a post has been advertised, for Councillors to receive calls at their houses from individuals, often perfect strangers, who have come to try and prime them up with a predisposition in favour of one applicant. In some parts of the country this method of procedure is so common that it is even held that the applicant who makes no attempt to approach individual Councillors to get them to look with favour on his case is unlikely to be a satisfactory officer, since he shows so little keenness on getting the post. The ties of personal friendship exercise a very strong influence in the selection of suitable applicants, and apart from downright favouritism the Councillor who likes a man as a friend naturally inclines to think favourably of his general capacity. There is a natural tendency for people to promote the interests of their relatives. The Hadow Committee suggested that all local authorities should make a standing order compelling candidates to disclose the fact of any family relationship which exists between a candidate and an existing member or officer of the Council, under penalty of the candidate forfeiting the post if the fact is discovered only after his appointment. A similar duty should be enforced upon officers and members of the Council, and in these cases the interested members and officers should not take part in the voting or discussions on the appointment. Canvassing should be strictly prohibited, as it already is in some areas; but even official notices that canvassing will disqualify a candidate for

appointment fail to prevent it, especially in cases where the candidate has no chance of appointment on his merits.

Outside the normal ranks of Local Government officers stand the Articled Pupils. Here again we find wide divergencies of practice. Some Councils flatly refuse to allow their senior officers to make money by taking apprentices into their offices; others deliberately encourage the system and reduce the salaries of senior officers on the ground that there is always money to be made out of articled pupils. Sometimes the Council allows the practice and takes the premiums for its own funds. "Articles" are expensive things. The pupil must not only forgo the chance of earning a salary for the two or three years of his apprenticeship, but he usually has to pay a high premium for the privilege of learning the business under the direction of an expert. The practice has long existed in the legal world, where it is the normal means of gaining admission to the professions of solicitor and barrister; in the latter case the stamp duty on the documents exceeds a hundred pounds. The heavy fees connected with the system of Articles give an advantage to the sons of well-to-do people, and act as a bar to talent where it develops in humble families. The Departmental Committee recommended that all such fees should be abolished, that officers should be paid adequate salaries without the necessity of supplementing income by taking pupils, and that where pupils were taken into Council offices the Council and the training officer should have to agree before any individual could be introduced.

CONDITIONS OF SERVICE

Looking back over the history of the modern Local Government service, there has been a very great improvement in conditions. Throughout the greater part of the nineteenth century, Local Government officers were a set of

poorly paid, and in consequence usually inefficient creatures, a mixed assortment of many types—half-timers, full-timers, overgrown office-boys, humdrum routine clerks, incompetent scallywags pushed in by jobbery, with a sprinkling of highly talented and capable enthusiasts. In the first half of the century, things were not much better in the Civil Service; the pay was better, mainly because the Parliamentary elector did not scrutinise the salary lists of the Home Office and the Board of Trade so closely as the ratepayer probed into the question of how much of his money was being spent on assistants for the Board of Guardians or the Parish Surveyor; but there was considerably more jobbery, mainly because the pay was better. But in the period 1855–75 a revolutionary change took place in the Civil Service; by agreement between both the great political parties it was decided to establish an examination test, and the old system of casual appointments and jobbery came to an end in a great number of important Government Departments. The effect was that in a few decades the Civil Service came to be a body of well-educated and intelligent men and women, who developed not only a standard of efficiency far higher than had been known in the old days, but a sense of self-respect and *esprit de corps* which not only tended to raise the social standing of its members but contributed very largely to improving the conditions of service and the emoluments of office. Such a change in the Local Government service could not materialise while the major proportion of officials were either part-timers, whose interests were largely or mainly absorbed in their outside work, or third-rate unimaginative drudges efficient in little more than the "three Rs".

It is to the credit of the comparatively small number of first-rate administrators in this depressing period in the history of the Local Government service, that a movement for increasing the prestige and status of municipal workers by improving the quality of the personnel of the service was

initiated, not by pressure from outside, but by the efforts of the officers themselves. Community of economic interests had led men to unite in occupational Associations from the days of the old Guilds to the days of the modern Trade Unions, and as soon as the increasing demand for efficient local administration led to the enrolment of a sufficient number of specialists in municipal service, special professional Associations grew up to press the interests of these new groups of workers. These Associations were for some time limited to small sectional interests, sometimes to excessively sectional interests. They have continued to flourish, and number several score to-day. In the Public Health Department, for instance, there are the Society of Medical Officers of Health, the Royal Sanitary Institute, the Institute of Public Cleansing, the Association of Managers of Sewage Disposal Works, the Sanitary Inspectors Association, the Women Public Health Officers Association, the College of Nursing, as well as more general organisations like the British Medical Association, the Pharmaceutical Society and the British Dental Association. The engineering side of municipal life has the Institution of Civil Engineers, the Institution of Municipal and County Engineers, the Institution of Mechanical Engineers, the Electrical Power Engineers Association, the Institution of Engineers-in-Charge, the Incorporated Municipal Electrical Association, the Association of Public Lighting Engineers, the Association of Architects, Surveyors and Technical Assistants, and the Chartered Surveyors Institution. The financial side is represented by the Institute of Municipal Treasurers and Accountants, the Corporation of Accountants, the Institute of Cost and Work Accountants, and the Incorporated Association of Rating and Valuation Officers. The Public Assistance Department has the Institute of Public Assistance Services, the National Association of Relieving Officers and the National Association of Masters and Matrons of Poor Law Institutions. The Town Clerks, the

Clerks to Urban District Councils, the Rural District Clerks, and the Clerks of the Peace of Counties have their separate Associations. The Librarians, the Museum Curators, and the Inspectors of Weights and Measures all have their own professional Societies, and there is even a National Association of Cemetery Superintendents. In addition to these, and others of a similar nature, there are special localised Societies, such as the Birmingham Municipal Officers' Guild, the West Riding Joint Council for Local Government Services, and the London County Council Staff Association.

These sectional organisations have been brought into touch with each other and, in a sense, federated by the establishment of one great Association, the National Association of Local Government Officers—usually known from its initials as Nalgo. Founded in 1905, this extremely energetic and well-organised body now boasts a membership of over 140,000, grouped into some eight hundred branches under twelve large district organisations, the activities of the Association extending into the realm of Scottish Local Government. Nalgo has concentrated the efforts of the leading reformers among the ranks of the separate sections of municipal officers into one national campaign, and it can without exaggeration claim to have done more to improve the status and quality of Local Government officers than any other single factor. For Nalgo has relied, not on a mere agitation for high wages and short hours, but on a conscious and deliberate raising of the intellectual standard of the municipal civil service to effect an all-round improvement in conditions. In one way it has reverted to the principles of the mediaeval Guild, which made regulations to ensure, not only the payment of fair wages, but also the maintenance of a high standard of workmanship. It not only supports its members in demanding a satisfactory *quid pro quo* from their employers: it does its best to guarantee to the employers a satisfactory "*quo* for their *quid*". Following the best

practice among the sectional organisations, it has aimed at establishing a minimum standard of general educational attainment and specialist efficiency among municipal officers. It has had consciously before it the vast improvement in the conditions of the national Civil Service following the introduction of educational examinations. Hence we find Nalgo not only drawing up model salary scales and making suggestions in regard to the system of promotions, but holding its own examinations, both in specialist subjects such as Public Health, Rating and Valuation and Housing Estate Management, and in general educational subjects such as English, Geography, History, and Physics, whilst providing in addition facilities for its members to study and to obtain instruction in these subjects. And as a result the same improvement in conditions of service that we see following the elimination of the uncertificated quack from the ranks of the medical profession, and the substitution of the University graduate for the nondescript "usher" in the scholastic profession, has gradually come about in municipal service. Most of the suggestions which have been made by Government authority in the report of the Hadow Committee have been promoted for years by the leaders of the profession itself through the instrumentality of Nalgo.

The salaries paid to Local Government officers vary enormously from district to district. Nalgo has for a long time urged the establishment of a national salary scale, similar to that of the national Civil Service and to the "Burnham Scales" regulating the pay of school-teachers. In 1930 the Ministry of Health advised the adoption of salary scales for the municipal civil service, though the practical difficulties of having one scale for all types of local authorities in all districts were recognised. The Ministry advised all Local Authorities, wherever the staff was large enough to enable such a process to be satisfactorily undertaken, to grade their staffs in appropriate classes, and to settle a scale for each

class. The Hadow Committee urged this matter still more strongly in 1934, suggesting that the classes should be separated by the need to pass some test of efficiency, the prospect of being transferred to a higher scale of pay being likely to evoke better work and achievement than the placing of an officer on a scale with fixed increases which will continue to operate throughout his career whether his work is brilliant or only moderately efficient. As a further inducement to maintain a high standard of efficiency, the Hadow Committee recommended that power to withhold an increment should be reserved to the Council, in cases where inadequate satisfaction—short of neglect meriting dismissal —was given by an officer.

There is no doubt that a scale has many advantages. The prospect of a definite salary, rising by fixed increments, is a decided attraction, and has done much to help recruitment in those professions where the system has been adopted. At present, in very many places, the Local Government official is worried and harassed at the end of every year of service by the need of putting his claims to an advance in salary before the Council, and by the fact that many authorities have not yet learned the lesson that good pay and financial appreciation of good service are essential to the production of good service. In the smaller areas particularly the easiest method of raising a popular agitation against the Council is to attack the salaries of the officials, for the ratepayers can be as niggardly as the most grinding private employer of labour in their attitude towards their employees. There have been cases where an extra ten pounds a year put on to the salary of half a dozen junior clerks has provoked a wild outburst of indignation against municipal extravagance, and where the substitution of a full-time expert for a half-time amateur who was drawing only half the salary of the new official has been met by resolutions of protest in local Ratepayers' Associations. Even the provision of a petrol allowance for an officer who uses his car

for six days a week almost entirely in the service of the Council has on occasion threatened the outbreak of an insurrection of indignant ratepayers. The senior officers usually have special contracts of their own arranging for a scale of pay, but even here many Councils refuse to bind themselves to any increases, and a hard-working and successful officer is left to undertake the often unpleasant task of convincing his Council that they ought to recognise his continued efficiency at the expense of the rate fund.

Considerable progress has been made in the establishment of regular scales of pay in the north of England. A hundred and forty local authorities in Lancashire and Cheshire have combined to accept the suggestions of a "Whitley Council" in matters of recruitment and salary; a hundred authorities in the West Riding of Yorkshire have done the same; whilst seventeen authorities in the London area have also adopted the "Whitley" system. The members of these federations are not absolutely bound to adopt the scales suggested by the Whitley Councils, but a large number of the constituent authorities have backed up their recommendations by accepting them in full. If something approaching a national scale of municipal salaries could be adopted, it would facilitate the transference of officers from one place to another, thus widening their experience and giving all local authorities a wider range of choice in their selection of candidates for posts.*

A great advantage that Local Government officers were given the chance of acquiring in 1922 was Superannuation. Under the Act of that year, a local authority, with the consent of the Ministry of Health, may adopt a system of superannuation for its staff, provided it has at least fifty officers in the scheme, which may be restricted to certain specified posts to the exclusion of others, and which may not include any officer under the age of eighteen. Powers are given to

* The formulation of a model code of scales and conditions of employment by a national Whitley Council in 1946 and the acceptance of this code by the majority of Local Authorities have done much to solve this problem.

local authorities, particularly the small ones which cannot muster fifty "designated posts", to combine for the purpose of running a joint superannuation scheme. One feature of the Act is that "Local Government servants" drawing a weekly wage may be included in the scheme. The employees concerned have to forgo a percentage of their incomes to build up a superannuation fund, and the Council must contribute out of the rates an amount equal to that paid in by all the officers combined. The detailed provisions are somewhat complicated, but in general it may be said that officers may retire at the age of sixty-five on a pension which varies according to their length of service, but which may be as high as two-thirds the salary being drawn at the date of retirement. The Act has been adopted by over a thousand local authorities, including most of the larger ones—and even twenty-five Parish Councils have adopted it—and is greatly appreciated in the service. But a very large number of the smaller areas have neither adopted the Act for themselves nor entered a joint scheme with other areas, and this complicates matters when it comes to making appointments, for applicants who have been contributing to schemes in other districts do not wish to spend any years of service which will not increase the amount of their retiring allowance, and hence good applicants are often lost. A Departmental Committee of the Ministry of Health in 1928 and the Hadow Committee in 1934 recommended that the system should be made compulsory all over England, and this reform was carried out by a new Act passed in 1937.*

As regards the general conditions of the service, taking a broad view, it may be said that on the whole they are good; where serious grounds for criticism exist it is usually a case rather of there being scope for improvement than of conditions being bad. Of course, every profession and every trade has its bad points, and Local Government officials are no exceptions to the rest of the human race in finding grievances to complain about. And, as in other walks of life, these

* Exemptions were granted to Councils with small staffs.

grievances are often real; some officers would make it a grievance that their job is not so much a walk in life as one continuous run. Perhaps the most widespread grievance of the juniors is that of monotonous occupation, particularly in the highly specialised departments of a large authority. Typing and cyclostyling endless letters and forms dealing with one subject is not particularly inspiring, certainly, but this kind of job is not confined to the Town Hall. The most efficient local authorities and the central Departments are not unaware of this. The scheme organised by Sir James Bird and Sir Montagu Cox, successive Clerks of the London County Council, involved the principle of delegating, under proper supervision, responsibility for minor administrative acts to even the lowest grade of officer, together with some opportunities of collecting material for the preparation of reports, and for "understudying" an assistant of superior grade. The Hadow Committee recommended that junior officers should be given a change from time to time by being transferred from one department to another; such a policy would almost certainly have to be initiated and controlled by members or officials outside the departments concerned, since a departmental Chief is naturally reluctant to lose the services of his more experienced workers, and it would perhaps be too much to expect him to avoid the temptation of saddling the other departments with his "duds".

But when we come to the higher ranks of the service, particularly the responsible heads of department, it is a remarkable fact that, notwithstanding the existence of grievances which lead some officials to declare that municipal service is an abomination, it is almost invariably found that the officer is intensely interested in the work he has to do and the problems he has to tackle. The juniors, with their less responsible and more monotonous work, may joyfully hurry for their hats when the bell rings at the close of the normal day's work; but it is not unusual to find the higher officials

putting in long hours of purely voluntary overtime in order to get the satisfaction of solving a problem or rounding off a piece of work. And particularly in the smaller Councils, where a very limited number of officers has to deal with all the multifarious activities of Local Government, there is so much variety in the work that any person with mental alertness will find something to interest him among the matters that he is called upon to deal with. There are, in fact, few professions in which there is so little need for monotonous employment as the Local Government service. Given the man who has a taste for administrative problems and a certain amount of capacity to tackle them, the service proves intensely interesting. The fact that the work of local authorities is on the whole so well done, when so few of the ratepayers' elected representatives display either the power or the inclination to undertake any effective supervision of the Council departments, is in itself eloquent testimony, not only to the grip which the responsible officers have of the work to be done, but also of the grip which the work has on the responsible officers.

THE PRINCIPAL OFFICERS

At the head of each municipal staff stands the Clerk of the Council.* He has no statutory position of leadership; numerous Acts declare that certain things must be done by the Clerk, and that certain notices and letters must be sent by or to him, but his position here is little different to that of the Secretary of a Company or a Club. The Clerk has obtained his pre-eminence through the fact that his department has to deal with every other department in a manner which calls for direct co-operation. The Accountant's department also deals with every department that has the handling of money, but usually only as regards such formal matters as book-keeping. The Accountant or Treasurer does

* In Boroughs the Clerk is always officially known as the "Town Clerk".

not concern himself with the repair of a highway; the Surveyor has no concern with taking infected cases to the isolation hospital; the Medical Officer of Health and the Sanitary Inspector have no dealings with arrears of rates; and the Rating Officer does not concern himself with the organisation of the local schools; the Clerk, however, may be called in to co-operate with the officers of each of these departments to arrange contracts, to take legal proceedings, to call conferences with interested parties, or to interview objectors. The need, too, for some one officer to co-ordinate and to a certain extent to control the actions of the separate specialist departments has increased the importance of the Clerk as the pivot on which the whole official system turns.

The cardinal principle that every act of English Local Government must lie within the four corners of a statutory enactment makes it essential that there shall be some officer on the staff who has a wide and expert knowledge of the law, particularly of Local Government law, and hence the call for a specific legal training for the Clerk of the Council. In recent years there has been much controversy as to whether the legal advice which the Council requires should be provided by an officer who specialises in purely legal business, leaving the general administrative and co-ordinative functions to the Clerk of the Council. In the smaller authorities it is certainly convenient and economical to combine the functions of chief administrator and legal adviser in one man. Legal advice is necessary at all kinds of junctures in local administration; in fact it might almost be said that the Council's legal adviser has to maintain a running commentary on the proceedings of both the elected members and the official staff, and a full-time lawyer is indispensable if trouble is to be avoided. It has been found possible in most cases to place the two kinds of duty upon one pair of shoulders without serious loss of efficiency. But in the larger authorities, where the addition of one more salary to the list will make no appre-

ciable difference to the burden of the rates, there are advantages to be obtained in separating the technical functions of legal adviser from the administrative functions of the chief officer. In the vast majority of cases the Clerks are qualified lawyers. They show no particular desire to be relieved of their purely legal work, and most of them appear to look with disfavour on the proposals to separate the two kinds of function. This may be due largely to the fact that they have grown to regard their legal qualifications as essential, that the "legal mind" has developed among them, and that they feel a sense of unfairness when they hear of first-rate posts being awarded to men who have not undertaken the strenuous study and expensive training which they themselves have had to undergo in preparing themselves for their jobs. The Royal Commission on Local Government, however, reported in 1929 that in areas where it is possible to afford the expense of a specialist legal officer it is not necessary for the Clerk to be a lawyer, and the Hadow Committee held the same view, reporting that "when selecting their Clerks, local authorities should direct their attention primarily to the administrative ability and experience of candidates". The Clerks who gave evidence before that Committee were somewhat divided in their views on the matter; while the Clerks of Urban and Rural Districts were not altogether averse to the proposals, the Borough and County Clerks strongly opposed them.

The position of Clerk to a County Council has been a peculiar one. The old County administration of the Justices of the Peace made use of the services of the Clerk of the Peace, an official whose duties were mainly connected with the judicial work of the magistrates in Quarter Sessions. The position of Clerk of the Peace is a very old one, dating back to the Middle Ages, and though originally appointments were made by the Sheriff, in later times it was the Lord Lieutenant of the County who was given the power of appointment—a power which was often scandalously abused.

When the modern County Councils made their appearance under the Act of 1888 the office of Clerk of the Peace was combined with that of Clerk of the County Council, and the power of appointment was transferred to the County Council, all existing Clerks of the Peace being guaranteed in possession of their posts. But here a complication ensued. The old office of Clerk of the Peace was a life-office; the holder could be dismissed only by the direct intervention of the Crown. The new office of County Clerk was intended to be given only for so long as the Council approved. Since the Clerk of the Peace could not be dismissed by the Council, and the County Clerk had to be the same person as the Clerk of the Peace, this meant that the County Council could not dismiss its own Clerk. This position was obviously inequitable, and its legal position was challenged in a High Court case, that of Leconfield *versus* Thornley, which was carried on appeal up to the House of Lords in 1926. It was decided, however, that legally the Clerk was irremovable by the Council. To remedy this state of affairs a special Act was passed in 1931 giving the County Council power to dismiss its Clerk, subject to the approval of the Ministry of Health. Though it remained permissible for one man to hold both Clerkships, it is now possible for the offices to be separated under different holders.

In the great majority of cases the leadership of the Clerk is recognised by the officials of Local Councils, and this position of pre-eminence was recognised by the Ministry of Health in 1924. But the actual amount of control exercised by the Clerk varies, mainly in relationship to the personalities of the leading officials. Departmental chiefs are apt to resent interference with their absolute control over the staff and work of their departments, and considerable tact is needed for a Clerk to carry out the duty of effective supervision without causing friction and unpleasantness. A zealous and autocratic Clerk interfering in the technical matters of the

departments will cause as much trouble as a hide-bound departmental chief who resents any suggestion that he has a superior officer at all and regards himself as responsible for his department to the Council without any intermediary or coadjutor. Hence the interaction of personalities leads to divergencies of practice; in some Councils the authority and influence of the Clerk are almost non-existent; in others there is a constant state of warfare on the subject; in a few the Clerk has been conquered and subdued by the Treasurer, who regards Finance as the key of administration; in most, however, the authority of the Clerk to be a real Chief of Staff is amply recognised and the system works smoothly.

The duties of local authorities have become so many and so complicated that a high degree of skill in the senior officers is now required for any approach to successful administration, whilst in some departments a high degree of technical ability is necessary. Most of the higher officers in the various departments are holders of certificates granted as a result of the system of examinations instituted by the sectional organisations of municipal workers; some hold Nalgo certificates, whilst a few hold diplomas in Public Administration from English Universities. The same controversy that has occurred over the qualifications of a Clerk of the Council has also affected to a less degree the position of other officers. Sir Ernest Simon, formerly Lord Mayor of Manchester, has been a strong advocate of entrusting the headship of departments to men qualified rather by administrative skill and experience than by technical efficiency. In very large authorities, the time of a departmental chief is occupied mainly in general organisation, the detailed drawing-up of technical plans being left to assistants. "Administration by technicians", says Sir Ernest Simon, "is bound to be extravagant administration." The Hadow Committee supported this view, declaring the technical qualifications of principal officers to be of secondary importance as compared with administrative qualifications,

and advising that where it is possible to employ the two officials instead of one, the superior post should be given to the administrator. As an alternative they suggest that a subordinate official might be entrusted with the administrative side of the department, while the technician confines his attention to purely technical matters. The Committee were evidently impressed by the suggestion that the technician as such had little concern for financial economy.

The amount of salary paid to these higher officers varies greatly. A Town Clerk may draw as much as £7500 a year, but if we leave out the Counties and the large Boroughs the salaries rarely reach four figures. As in the case of the junior officers, and to an even greater extent, any proposal to raise the salary or allowance of a senior officer provokes the opposition of ratepayers in a number of towns. The tendency is for salaries to increase, but public opinion still lags a long way behind the opinion of the Central Departments and of the best-regulated municipalities. The local Labour party has on occasion opposed increases in salaries to higher officials more as a protest against the low wages paid to the municipal servants than through any real desire to dock the pay of the seniors. But in regard to the higher officials low salaries are often a false economy more serious than low salaries in the junior ranks. "Poor pay, poor talent" holds good here as always, but whilst a local authority may be able to put up with faulty indexing and mislaid correspondence, it cannot afford to waste large sums of money on ineffective schemes produced by third-rate heads of departments. And there is the further factor of temptation to corruption. There are, of course, certain unscrupulous persons who will make something for themselves out of any chance that comes their way, but just as a baker's loaf will tempt a starving man to steal, the lower the money received in salary the greater the temptation to yield to the offers of the corrupt contractor. This is not to say that a low wage is any justification of dishonest

conduct, but there is no getting away from psychological facts. The technician has many opportunities of forcing the contract of a bribing contractor on an ignorant Council; a personal assurance that he knows from experience that the work done or the goods supplied by the firm in question are superior in quality to all others may be enough to convince a Council containing nobody with any technical knowledge of the subject that the proferred tender should be accepted. The exclusion of first-rate talent from candidature for Council posts by the offer of a low salary reacts in a secondary way on this question of honesty, for the first-rate man feels too much confidence in his powers of earning an honest salary to dabble in discreditable jobs. Successful private enterprise does not hesitate to pay good salaries, and private enterprise is a competitor with municipal enterprise in many fields. Salaries in the big business firms compare, as far as administrative and technical posts are concerned, favourably with those of all but a very few local authorities; municipal service still has a pull in its powers to offer security of tenure, independent of trade fluctuations, and superannuation, but it should not risk neutralising these advantages by offering less to capable technicians and administrators than they can get from private firms. Even Communist Russia has broken through its equalitarian principles to pay salaries to technical experts high enough to tempt them to leave capitalist countries and emigrate to Moscow.

OFFICERS AND COUNCILLORS

According to the strict theory of Local Government there is a clear line drawn between the functions of officials and those of the Councillors. Policy is dictated by the representatives of the electorate; the officers have only to find ways and means of carrying out the intentions of the Council and then carry out the prescribed policy. Thus, if it is a question of

building a Public Library, it is not for the officials or any of them to tell the Council that the town needs such an institution; but if the Council decide that the town should have one, then it is for the official departments concerned to draw up architectural plans, to devise internal accommodation, to work out the necessary staffing arrangements and to estimate the capital and maintenance costs. In practice, however, it is extremely difficult to draw the line between the two functions. There are certain new departures which it is undoubtedly the duty of the officer to suggest; the Medical Officer may feel it necessary to point out the desirability of building an isolation hospital or of changing the type of disinfector, and the Surveyor may feel it incumbent upon him to point out the congestion of traffic in a certain street and the desirability of undertaking street-widening operations. The manager of a revenue-producing department, too, may consider it part of his general business to recommend anything that may in his opinion bring in revenue to the Council; he may advise the construction of an extra swimming-bath at the Municipal Baths, the establishment of a department for the manufacture of electrical fittings at the Municipal Electricity works, or the introduction of variety entertainments in a seaside Corporation pavilion. The argument for enlarging the official's powers of dictating policy is greatest in these revenue-producing departments, since in many towns the success of such departments is judged entirely by the degree to which they relieve or charge the rates, and an official may feel himself placed in an unfair position if he is precluded from following the line which he feels convinced will bring in the best financial results.

But in actual practice a great deal of what may be described as policy is initiated by officials. It is seldom presented in a dictatorial way; usually an officer who feels that an improvement ought to be carried out involving a new departure in policy talks quietly about the subject to one or two Coun-

cillors, or more particularly to the Chairman of the appropriate Committee, and then introduces the proposal tentatively for the consideration of the Committee, which adopts the proposal as its own if there are no serious objections raised to it. And serious objection is rarely raised unless either the scheme involves a heavy burden on the rates or some local prejudice is cut across, such as interference with the trade and profits of local shopkeepers or the restriction of the facilities granted hitherto to some local organisation. The extent to which officers initiate policy depends mainly on the characters of the officers and the Councillors for the time being. A vigorous and tactful officer can do an enormous amount in this direction; a timid officer will carry on routine duties and leave it entirely to the Council and its Committees to suggest new departures in policy; a dictatorial officer will rouse opposition and resentment which may wreck his schemes.

The relations between officers and Councillors are usually of the best. The Council as a whole are the employers of the officials, and every officer knows that it is unwise to incur the hostility of any group, or even of any single influential member of the body that can dismiss him or refuse him an increase of salary. The tradition in Local Government service is for officers to treat Councillors with equal respectfulness however inept and stupid they may be and irrespective of their activity or somnolence. The Councillor is always "Sir" to the officer, even though the former may be an ignorant local shopkeeper and the latter a brilliant expert in his profession. Courtesy costs nothing, and no profession is more respectful towards its employers than the Local Government service. This does not imply obsequiousness; there is simply a traditional attitude of grave and respectful attention to the words of wisdom which are presumed to fall from the elected representatives of the democracy.

The official occupies an advantageous position for friendly relations with the Councillors on account of his neutrality in

election fights and Council-chamber disputes. He is prepared to work equally well with a Labour majority or a Conservative majority, and treats members of both sides with equal respect. He takes no part in the discreditable intrigues for Chairmanships which distract and stultify the action of so many Councils. He advocates or opposes schemes on their merits, and not according as they are introduced by personal friends or personal enemies. He steers clear of the heated animus and rudeness which characterise the remarks of so many Councillors in Council and Committee. However much a member may hate other members of the Council—and personal hatreds can grow to as high a pitch round the table of a Committee room as anywhere—he almost invariably finds himself on good terms with the officials; the smooth, respectful, cheerful, and apparently appreciative attitude of the officer coming often as a welcome relief from the strained relations which mar his cheerfulness in debate. And the vast majority of officers manage to maintain an attitude of strict neutrality towards even the most unruly members of their Council. Often they have to listen to tirades poured into their ears by members who wish to impress upon all and sundry the iniquities and inefficiencies of other members; they smile, make some non-committal remark, and continue to treat everyone with the same gravity and politeness as before. Occasionally a weak officer allows himself to be led by a desire to curry favour with the temporary majority on the Council into taking sides in a political or personal dispute, and the fall of the angel from his pedestal of neutrality provokes bitterness and resentment which tend to make things not altogether comfortable for the erring official when the victim of his fall from grace is sitting at the same Committee table. It is not a pleasant thing for an officer to have to sit for hours at a little meeting where he knows that one or more members are waiting to vent their spleen on him at the first opportunity for an attack.

From the official's point of view, Councillors may be divided into three classes—the active-intelligent, the active-unintelligent, and the passive. The active-intelligent follow the proceedings of his department with keen interest, and are fruitful of suggestions and criticisms, but they have enough brains to restrict their criticisms to points where there is a logical reason for disagreement, whilst such men are capable of being reasoned with and may often be converted by argument. The active-unintelligent are often more loquacious than the active-intelligent, and consist of men who are too ignorant to have any appreciation of the limitations of the layman as compared with the specialist. It is possible for a man to be so abysmally ignorant that he thinks he knows everything, and members without the slightest knowledge of the rudiments of a technical subject may on occasion be heard loudly contradicting the considered judgments of experts on the most highly complex technical questions. There is the member who will make his voice heard on everything on the agenda-paper, whether he knows anything about it or not. The trouble about this type of member is that he is not amenable to logical argument. The official may compile a column of figures a yard long to disprove the assertion of this type of omniscient person, who, though he cannot disprove a single figure or quote any figures which tend to disprove the officer's argument, will reiterate, "Well, I don't agree", and continue his opposition. But the majority of members are normally passive, having no advice to offer and no criticisms to make. It does not, however, follow that the normally silent member who vegetates through a whole year's Committees will not on occasion break forth. It usually takes something of a personal nature to make him give tongue; if he has to wait ten minutes in the rain for a Corporation tram he will be very pleased to think he has a point of vantage in the Council chamber from which he may make his protest against the inefficiency of the services; or if he falls head over

heels down the ornamental flight of steps in the park he will raise his voice loudly on behalf of public safety and declare the surveyor's negligence disgraceful. In his dealings with the ever-changing procession of elected members—enthusiastic novices who have come to "clean up" the Council, hardened veterans who have represented their wards for forty years, somnolent nobodies smiling peacefully in the glory of their title of Councillor, energetic all-round workers, faddists with "bees in their bonnets", fiery rebels and stern apostles of economy—the Local Government officer in charge of a department has, up to a point, to follow the example of Father O'Flynn, "checking the crazy ones, coaxing the aisy ones"; he must, however, draw the line at "lifting the lazy ones on with the stick", though many a time he must regret that such procedure is *Ultra Vires*.

CHAPTER IV

THE CENTRAL CONTROL

A NATIONAL STANDARD

If every local authority were left to carry out its work in its own way, subject only to the liability to be sued in the Courts for breaches of the law, Local Government would work very differently in one place as compared with another. For long periods in our history this was actually the case, and the result was a wide divergence of practice from district to district. In the Middle Ages, such Local Government as existed was mainly concerned with matters of justice and police, and uniformity was ensured over large areas of the country by the fact that the Sheriff was the pivot upon which local justice turned, and the Sheriff remained a purely royal officer, completely controlled by the Crown, in spite of attempts to substitute for this Government official, on the one hand an elective officer, and on the other a hereditary baron. But by the time that Local Government activities had been reinforced by the duties imposed on the parishes by the Tudor legislation concerning highways and the relief of the poor, the power of the Sheriffs had become overshadowed by that of the local resident Justices of the Peace, who, as "the Tudor maids-of-all-work", were given the supervision of the parish activities. It was not the intention of the powerful and headstrong Tudor sovereigns to allow the local Justices to assume anything approaching independence, and along with the increase of their duties, the Justices were placed more and more under the supervision of the central Government. There was not yet any special central Department to deal with local affairs, and the work of supervision was undertaken by what we should now describe

as the Cabinet—the Privy Council. There is still a body called the Privy Council, but it is to-day a group of dignitaries whose meetings, thinly attended, are used for certain formal constitutional purposes; under the Tudors it was the most important central administrative organ possessed by the Crown, and consisted of the kind of people we should find to-day in the Cabinet. It was this body which undertook the direction and supervision of the local administrative work of the county and borough Justices.

The resources of Tudor England were, however, limited, and there was no staff of inspectors to act as the eyes and ears of the Government in Whitehall. But letters and circulars passed between the Privy Council and the Justices almost as frequently, considering the simple organisation of those days, as they pass between the local authorities and the Government Departments to-day. Under the Stuarts, there even began a process of differentiation in the Council, a special Committee for the supervision of Poor-law activities being set up. But these developments were rudely cut short by the outbreak of the Civil War, which made any systematic administration impossible over large parts of England. When the country settled down under the rule of Oliver Cromwell and his friends, the new Council of State began to assume a power of interference with the local administration somewhat similar to that of the royal Council of Charles I, but this system too was cut short by the upheaval of the Restoration. Though the events of "his gracious majesty's most happy restoration" were not accompanied by the years of internecine strife which covered the historical map of England with crossed swords during the struggle against Charles I, the effects were more permanent than those of the former revolution so far as Local Government was concerned. The country gentlemen who were now the bulwark of the restored monarchy demanded their price for being more royalist than the King himself; and this price included a claim to be left

alone in their glory to administer the national system of Local Government in their respective counties. Not that they would have recognised it as a "system"; there was but one Government and but one law in England, and their job was merely to administer the national law in their own districts, but they wanted no officious meddling from Whitehall, and they had their way. In spite of the attempts of several sovereigns to regain some of the independent powers of the Tudors and early Stuarts, the landed gentry successfully obtained a grip on both the national Parliament and the local administrative system. Whitehall was excluded from Local Government for more than a century and a half.

During the whole of the eighteenth century, though the Parishes and other small units were controlled to a large extent by the activities of the local Justices, the central Government appeared to have lost all interest in local administration. Such interference as there was with this purely local control came from the Courts of law. If any person with the time and the money for a High Court action, and the determination to carry it through, decided to challenge some act of local administration as illegal, the Courts at Westminster might, and on occasion did, seriously upset the practice of whole neighbourhoods, sometimes of the whole country. When the High Court decided that anyone who built a bridge and opened it for public use thereby threw on the county rates the duty of maintaining that bridge in efficient condition for ever afterwards, this particular department of highway administration was revolutionised all over England. But apart from these occasional appeals to the Courts and the necessity of applying to Parliament for new powers in hitherto unattempted departments of Local Government, and the extremely rare occasions when Parliament called for returns of figures of Poor-law expenditure for statistical purposes, local authorities had nothing to do with the Government in London.

The end of the eighteenth century, however, saw the growth of a series of speculative movements aiming at political and social reforms, movements which were partly stimulated by the atmosphere of change brought about by the Industrial Revolution, and partly provoked by the new evils which that great upheaval brought in its train. Among many English writers and propagandists who envisaged Utopias which would allow the nation to enjoy the benefits of the Industrial Revolution without its evils, the most influential was Jeremy Bentham, who, after many years of agitation for reform, devoted his old age to drawing up a comprehensive scheme for a new system of Government, one of the most essential points of which was that active and powerful central Departments, inspired by the fullest and most advanced knowledge attainable, should exercise a detailed control of the local authorities and establish a uniform system of local administration, putting the most salutary principles into operation in all parts of the country. Bentham's ideas influenced not only a number of students and agitators, but a number of wealthy gentlemen in Parliament, particularly those who, as members of the Whig party, found themselves excluded from office for nearly half a century by the Tories. The Whigs absorbed the Benthamite programme in varying degrees; one section of the party, soon to become known as the Radicals, were enthusiastic for practically the whole of it, but the majority of the party were only partially impressed by what seemed for the most part a wild concatenation of Utopian suggestions, and some leading Whigs had no use for Radicalism beyond accepting its aid in ousting the Tories from office and bringing in a Whig Ministry as an alternative. But the constant preaching of the virtues of central control had a permeating effect on the ideas of statesmen, and even some of the Tories, who had come to be regarded as a most unprogressive crowd, found themselves coming to the conclusion that, even from the point of view

of reactionary coercion, a strongly centralised control of national activities was useful.

It was a Tory Government, in fact, that passed the first measure of modern centralisation. In 1823 the Prisons Act placed the County and Borough authorities under the strict control of the Home Office as far as prison administration was concerned, and entailed upon them the duty of making a quarterly report to that Department. And in 1829, when Peel's celebrated Metropolitan Police Force was established, it was placed under the direct control of the Home Office. Next year the Whigs came into office, and proceeded to undertake a campaign of what modern Americans would call "cleaning up" the government of Britain. Their first two years of office were occupied with the Great Reform Bill which revolutionised the system of parliamentary elections, and when a new Parliament, elected on their new system, met, a number of other reforms were undertaken. In 1833 the keynote of Government control was struck by the appointment of a group of inspectors, paid officials whose duty it was to see to the enforcement of the Factory Acts, and though these Acts were not the concern of Local Government, the principle was extended in the following year, 1834, to the whole system of Poor-law administration, which was very much the concern of Local Government. In 1835 Prison Inspectors were established by the Home Office. In 1839 the inspectoral system was adopted for certain schools, and though, as in the case of the Factory Acts, this did not directly affect the local authorities, the fact that there were now four different sets of Government inspectors at work carrying Government control into every part of England laid the basis of a system which has gone on increasing from that time to this. A second line of attack was developed by the grant of a subsidy in 1833 to be applied to English elementary schools, and the appointment of the school inspectors six years later formed, in conjunction with the annual grant-in-

aid, the basis of a system by means of which Government control could be enforced by the threat of withholding the subsidy if the aided schools failed to satisfy the requirements as to standard set by the inspectors. The grant system was applied to Local Government in 1835, when the prisons received a Government subsidy towards their maintenance; again the appointment of inspectors in the following year strengthened the bonds between local administration and central control. In 1846 the grant system was extended to the Poor-law authorities, which had already been under inspection for a dozen years. The system of regular reports from the local authorities to London was carried a stage further in 1836 by the establishment of the new system of registration of births, marriages and deaths. Finally, during this period of reform there was for the first time established a Government Department solely concerned with Local Government —the Poor-law Commission of 1834, which was entrusted with autocratic powers of control over the whole of English Poor-law administration.

These encroachments upon the independence of local authorities did not pass without opposition. Local opinion was at times raised to fury against this interference. A minority of members of Parliament kept up a constant fire of criticism. Newspaper articles and pamphlets maintained a war of arguments. Toulmin Smith produced his learned treatises proving that the right to local autonomy was part of the birthright of the Anglo-Saxon race, whilst Disraeli thundered against the new Poor-law Commission as "the three Bashaws of Somerset House". But though the action of the new control was impeded by these attacks, and some modification of the constitution of the new Poor-law Department was made as a sop to Cerberus, the system was maintained in all its essential features. The reconstructed Poor-law Board of 1847 had hardly less power than the body it replaced, and in the following year a second Government

Department was created to deal entirely with local affairs. This was the Central Board of Health, which introduced as a more permanent institution what had been adopted as an emergency measure during the great cholera scare of 1831, the correlation of local sanitary reforms under the direction of a central Department. But the reaction against central control called a halt to spectacular developments of this description. The new Health Board was given virtually no powers of coercion over local authorities, and after a troubled ten years of existence it was abolished in 1858. But though a halt had been called, the system was still there, and in the ensuing decades was slowly extended by piecemeal and less obtrusive measures.

The whole idea of this new system of central control was the enforcement of a national standard of efficiency, or, as it has sometimes been more modestly put, of a national minimum standard. It is obvious that some local authorities will always be more progressive than others, and that in some districts the advantages of new departures in social organisation will appear to be outweighed by the concomitant evils of financial expense and interference with established rights and customs. At base, the whole controversy that has arisen over the virtues and vices of central control is part of the great question whether liberty or efficiency is the greater boon to mankind. It is a question which has been argued all over the world for more than a century, in its democratic aspect of popular liberty versus the rule of a more educated aristocracy and in its national aspect of the freedom of a lower-grade race versus the domination of a higher-grade ruling race of foreigners. Opinions on this oft-discussed problem will always be formed according to the mentality and experience of each individual. Some people will always hold that bad government under self-government is better than good government under despotism. Others will always prefer the fleshpots of Egypt to the sands

of Sinai. As far as English Local Government is concerned, the matter is not complicated by racial nationalism to any serious extent, and the broader question of democracy versus oligarchy may be regarded as subordinate owing to the acceptance of the democratic principle as the theoretical basis of the parliamentary system under which the central Departments work. But the core of the problem remains, and it may even be argued that the efforts of the localities to resist the interference of centralised control represent a late survival of the old local separatism which has inspired, at different periods, the feudal privileges of the barons, the labelling of non-residents of corporate towns as "foreigners" and the apotheosis of the "parish pump". The main function of central control in Local Government is the maintenance of the minimum national standard of efficiency; subsidiary purposes are to avoid the confusion which may result in some fields from extreme diversity of practice and to provide an expert advisory body which can place the fruits of the experience of each district at the disposal of every local authority.

An attempt to consolidate centralised control was made in 1871, when the supervisory functions of several Departments were united under a new central body called the Local Government Board. But the process of amalgamating the whole system was never carried out; certain departments of local administration, such as Education and Police, were never brought under the control of the Local Government Board, and in the twentieth century there was a reaction against this process. In many departments the work is divided between direction of national effort and supervision of local effort, and it came to be recognised that all activities, both national and local, in one particular field of work could best be dealt with by one functional Department. Hence, after the Great War, when the Government Departments underwent a complete overhauling, it was decided to have no one Department ear-

marked for "Local Government" purposes, and, as the bulk of the work of the Local Government Board was now concerned with Public Health services, most of the Board's staff of officials were transferred to a new Ministry of Health, established in 1919. Central control is now enforced by more than half a dozen Government Departments.

THE DEPARTMENTS

The Ministry of Health, established under statute in 1919, has under its supervision nearly all those departments of local activity which relate to Public Health questions—infectious diseases, hospitals, sewage disposal and refuse collection, infant life protection, maternity and child welfare, housing, care of the blind, water-supply, health insurance, and provision of open spaces. It also deals with matters which, though not strictly Public Health activities, arise out of such work—town-planning generally as distinct from provision of open spaces, and the provision of facilities for music and entertainments in parks and pleasure-gardens. Its functions embrace a wider scope in a general supervision over the purchase of land, and over the Rating and Valuation system, and in the power to appoint auditors who examine all the accounts of the majority of local authorities. The most important Health activities which do not come under its control are the medical inspection of school-children, which—though nominally under the Ministry—is delegated to the Ministry of Education, medical inspection in factories, which remains under the Home Office, and medical research, which as an affair of national, if not imperial concern, is under the direction of the Privy Council. Attached to the Ministry are the General Register Office, which compiles the national statistics of births, marriages and deaths, and also carries out the work of the census, and the Board of Control, which deals with lunacy and mental deficiency. The work of the Ministry

in Wales and Monmouthshire is entrusted to a subordinate Board of Health for Wales, which is under the general control of the main Department.

The whole of the educational system of local authorities is under the direction of the Ministry of Education which, organised under the designation of "Board" in 1899, was belatedly promoted to the rank of Ministry by the Education Act of 1944. The Ministry of Transport, dating, like the Ministry of Health, from the year 1919, deals with roads, bridges, ferries, tramways, and the problems of vehicular traffic generally. Attached to the Ministry of Transport—largely on account of the increasing use of electricity for transport purposes—are the Electricity Commission, created in 1919 to supervise electricity organisations generally, and the Central Electricity Board, created in 1926 to organise a national system of electricity supply. The Home Office, which was given a separate establishment as early as 1782, is the central authority for police and prisons, the inspection of factories and shops from the point of view of health and conditions of labour, the confirmation of by-laws of a general police nature, and the preparation of election registers. These four Departments—the Ministries of Health, Transport and Education and the Home Office—exercise control over more than nine-tenths of the work of local authorities.

The Ministry of Agriculture and Fisheries—which was created as a Board of Agriculture in 1889, took over the supervision of fisheries in 1903 and became a Ministry in 1919—comes in contact with local authorities in connection with the agricultural Committees of County Councils, diseases of animals, allotments, and the drainage of low-lying areas. The Privy Council deals with Borough Charters. The Post Office handles the business of issuing health insurance stamps, and also incidentally collects the fees for those licences the profits of which supplement the Government grants contributed to Local Authorities—licences for dogs,

guns and game. The Charity Commission, founded in 1853, deals to a certain extent with the welfare of the blind. Finally, the Treasury, besides issuing through the Public Works Loan Board a large number of loans to local authorities, has a power of consultation and veto at a great many points of local administration. The other Government Departments come very little into contact with the local authorities.*

These nine different Government Departments co-operate in various ways in the work of local administration, and all but two of them have important powers of control. The work of the Post Office is simply routine co-operation, whilst the points at which the Charity Commission comes in contact with local authorities are few and relatively unimportant. But the Ministries of Health, Transport, Agriculture and Education, the Home Office, the Privy Council, and the Treasury have definite powers of checking or stimulating the activities of the local Councils, and in many cases of compelling slack or niggardly authorities to fall into line with the national minimum of efficiency. The functions of these controlling Departments may be grouped under three headings: firstly their legislative and judicial powers, secondly their activities in administrative supervision, and thirdly their service as advisory assistants in the work of Local Government. It is difficult to draw a hard and fast line between these three types of function, and there is no deliberate scheme of conscious classification of powers. A consideration of their functions under these three headings, however, is a convenient method of approach to an appreciation of the working of the system of Central Control.

* The new Ministries of Town and Country Planning and of Fuel and Power have now taken over control of activities within the scope of their respective departments.

LEGISLATIVE AND JUDICIAL POWERS

It has become an increasingly common feature of the legislation of the last half century to leave the detailed application of the principles laid down by statute to a Government Department, which is empowered by one or more sections of the Act to make rules or regulations which are given in advance the force of law. It is this now widespread practice of delegating legislative authority that forms the first part of the indictment presented by Lord Hewart in his celebrated book, *The New Despotism.* In the great majority of cases, where a local official has to administer a recent Local Government statute, he finds that it is not enough to get a copy of the Act and confine his attention to the provisions that are printed in it; he has to apply to the Government publishers for one or more sets of regulations issued by some Department in pursuance of powers conferred by the Act. To take but one example, the rating officer who wishes to make himself acquainted with all the provisions of the statutory system of assessment and rating established by the Rating and Valuation Act of 1925 has not only to obtain and study a copy of the Act itself; he has to provide himself with copies of Regulations of varying length issued by the Ministry of Health, dealing separately with the subjects of the county valuation committee, the central valuation committee, the making of valuation-lists, the ascertaining of rateable values, the valuation of plant and machinery, appeals from assessments, the form of demand-notes, the form of receipts to be used, the form of returns to be made, the form of precepts, the submission of schemes, the keeping of accounts, the product of rates and precepts, the right of inspecting documents, and the annual reports of assessment committees. The collected mass of what are in general termed "Statutory Rules and Orders" derived from and supplemental to a statute sometimes exceeds in bulk the statute itself.

These extensive powers of adding to legislation which has been submitted to Parliament in statutes vary considerably in different Acts. The wording of the statute itself sometimes narrowly limits the action of the Department by indicating the general principles on which Regulations must be framed; sometimes the action of the Department is limited to a choice between figures which must not exceed a maximum stated in the Act; in other cases a wide scope is left for supplementary legislation. And there is a further variation in the powers granted to the Departments; sometimes the collection of rules issued has to be confirmed by a special resolution in both Houses of Parliament, more often a copy has to be "laid on the tables" of both Houses, to become effective only if a definite number of days passes without either House having passed a resolution of protest; in other cases there is no need to submit the rules to Parliament at all. But even with the most stringent of these provisions for submission to Parliament, there is really very little check on the freedom of the Departments to arrange things much as they like. As the parliamentary session wears on, an increasing number of these Statutory Rules and Orders appears on the table, to be then placed in the libraries of the two Houses for consultation by such members as are interested. But even if any member of Parliament were conscientious enough to read through every such document submitted for his active or passive consent, there would be no time for him to consider them in all their bearings within the allotted number of days, especially if he is to attend to his other parliamentary duties. And as a matter of fact those documents which "lie on the tables" during the session are rarely even scanned by members. One or two M.P.s who happen to be specially interested in particular subjects, such as electricity or housing, may make a point of reading such regulations as relate to their own special subject, but in general it may be said that the procedure is a mere constitutional form.

One result of Lord Hewart's attack was the appointment of a special Committee, under the chairmanship of Lord Donoughmore, to go into the whole question of the excessive powers of Government Departments. This Committee, which was appointed in 1929, reported in 1932 suggesting that in statutes conferring these powers on ministers the limits of departmental action should be strictly defined, and that each House of Parliament should appoint a standing Committee to examine all Statutory Rules and Orders laid on the tables and also all new statutes conferring powers of subsidiary legislation upon any Government Department. The most extreme resentment had been aroused by certain occasional provisions, such as one finding its way into the Insurance Act of 1911, to the effect that whatever orders were issued by the Department—which are always formally expressed as being issued by the Minister responsible for the Department—should have the force of law. This drastic provision definitely precludes any appeal to the Courts on the ground that the departmental regulation violates the spirit of the Act or exceeds the limits of the delegated powers, and has been dubbed the "Henry VIII clause", from the fact that on a certain occasion that famous sovereign was given by Parliament the power, within limits, to issue proclamations which were to have the force of law. The Donoughmore Committee recommended that the "Henry VIII clause" should be restricted to a single point, namely the decision as to what date should be adopted for the coming into force of a new Act, which recommendation, if carried into effect, would reduce to negligible proportions the despotic powers conferred by this type of clause. But in actual practice the Rules and Orders issued by the Departments are seldom objected to as unreasonable, and though—as in a good many other institutions—there is a potential danger in the system, the chief complaints against it are based rather on the multifarious character of the regulations issued than on their iniquity.

The Departments are also able to exert considerable influence on new legislation, general or local, as it goes through Parliament. The opinion of the permanent officials, unaffected by political bias, counts for a great deal with the leaders of every British Government, and before a Bill dealing with Local Government is introduced from within the Cabinet, the leading civil servants concerned are always taken into consultation. The same is true with Local Acts. The opposition of the Ministry of Health goes far to wreck the chances of a local authority that is trying to get extra powers by the promotion of a parliamentary Bill, though it does not necessarily follow that such opposition is fatal. The opinion of the Ministry has on occasion been ignored by the Houses. A Government Department may prove very helpful to some authorities in enabling them to secure power without the necessity of promoting an expensive Bill; by the procedure known as Provisional Order, used for the compulsory purchase of land, for the establishment of Port Sanitary Authorities, and in a modified form for the establishment of electrical concerns, the Government Department has the power to issue an Order similar in type to the subordinate legislation allowed by so many Statutes. The Order has to be approved by a vote of the two Houses, and even by the royal assent, but in the vast majority of cases these Provisional Orders slip through as easily as other kinds of Statutory Rules and Orders, and whilst the approval of the Department means almost certain success, the disapproval of the Department means that the authority wishing for the extension of powers must fall back upon the expensive and uncertain process of promoting a Local Bill which will inevitably be opposed by all the influence the Department can bring to bear on members.

But the Departments are not only endowed with some of the functions of a legislature; they are also elevated into the position of judicial tribunals. They act as courts of appeal

from the administrative decisions of a host of local authorities. The appellants vary between other local authorities and private individuals; a County Council and a single ratepayer may on occasion equally appeal to a Government Department against some decision or act of a local Council. And the types of case referable to the central bodies are legion; there are appeals on sanitary matters, on town-planning, on housing, on electricity operations, on financial matters. Again there appears a remarkable diversity in the scope and finality of the Department's powers of decision. In some cases there is a further appeal to the High Court; in others the decision of the Minister is final. The arbitrary powers given to Ministers by statute in matters of judicial appeal formed the second part of Lord Hewart's attack on the "New Despotism". In particular there was resentment that in many cases the proceedings of the appeal were held behind closed doors, that there was no obligation to publish any report on the proceedings, and that in a few cases one of the parties to the case was denied the right to appear in person in support of his cause. The Donoughmore Committee, reviewing the situation as regards what are generally called "quasi-judicial" powers, recommended that in every field of action the cases in which the Minister's decision is final should be severely restricted, that in every case it should be open to the Courts to quash the Department's decision on the grounds of its having exceeded its statutory powers, linked with a stipulation that an aggrieved party should be always permitted to appeal to the Courts on a question of law, and that, at least in the case of public inquiries, a report on the proceedings should normally be published.

A further statutory right enjoyed by some of the Departments is that of actively interfering in the most direct manner to secure the carrying out of a statutory duty by a recalcitrant local authority. This power is similar to that given to the local authorities in their dealings with recalcitrant individuals

who refuse to observe the sanitary and other laws that have to be administered by Local Councils. If a man refuses to put the drains of his house in decent order, or allows his house-property to become unfit for human habitation, if a builder refuses to pull down a structure which he is forbidden by law to erect, the local Council in each case have the power, on the failure of methods of persuasion, to enter on the land or premises and carry out the necessary work, afterwards charging the defaulter up with the costs of the proceedings, costs which can be enforced by a debt action in the Courts. If a local Council flatly refuse to provide their district with a decent sewerage system, if they allow atrocious slums to remain untouched, if they refuse to adopt a town-planning scheme, when ordered to do so by the Ministry of Health, there lies in reserve the legal power of the Department to step in and do what the local Council have neglected to do, and on the completion of the necessary work to charge the Council up with the costs, if necessary putting in an Administrator with arbitrary power to collect the Council rates and revenues until the debt is paid.

As a matter of fact these drastic powers are never used. There is always an alternative process for securing obedience in matters of this kind. On evidence being produced that a Council have failed to carry out their statutory duties, the High Court is empowered to issue a writ known as the Mandamus, commanding the defaulting authority to undertake the work it has refused to do. To disregard a Writ of Mandamus is a contempt of court, and is punishable by committal to prison. Though Government Departments have on occasion secured a Mandamus against a defiant local authority, and in a few cases where this too has been defied secured the committal to prison of the recalcitrant Councillors, the mere existence of these penalties is usually sufficient to secure obedience to the law from reluctant Councillors. The history of the Boards of Guardians—the old local authorities for Poor-law

administration—provides two famous examples of how the process could be carried to the extreme. In 1873 the Guardians of Keighley in Yorkshire, having become converted to the anti-vaccination movement, refused to enforce the Vaccination Acts in their district, and the Local Government Board secured the issue of a Mandamus; on continued refusal to obey, the Guardians found themselves marched off to prison, where they eventually agreed to yield. Similar action was taken against the Poplar Guardians in 1926 for disobeying a Mandamus relating to their financial administration. On this occasion strong local popular demonstrations of sympathy with the victims led to the release of the still unyielding defaulters.

But the Poplar Guardians did not score an unqualified triumph. Since it seemed likely that other Boards would follow the example of Poplar—for the financial controversy arose from a great political struggle between the Socialists and their opponents—the hands of the Department were strengthened by the addition of yet another weapon to the armoury of the Ministry of Health. Parliament at once passed new legislation to deal with the new situation. By the Board of Guardians Default Act of 1926 the Ministry was empowered, in the event of a continued refusal or inability of any Board of Guardians to carry out their statutory obligations, to suppress the defaulting Board entirely, and to appoint a body of Commissioners with arbitrary powers to administer the Poor-law in the districts of the superseded Boards. This process was actually carried out in three areas—at West Ham, at Chester-le-Street, in the county of Durham, and at Bedwellty in the county of Monmouth. The abolition in 1929 of all Boards of Guardians for general administrative reasons unconnected with these disputes rendered this drastic Act obsolete, and it has not been necessary to propose any similar legislation for other types of Local Government unit.

ADMINISTRATIVE SUPERVISION

The most important instrument of control in the purely administrative sphere is the Inspectorate. Here we have a staff of full-time paid officials who make it their business to see exactly how the local authorities are doing their work, and they do this by personal visits to the districts of the various authorities, looking at buildings and works, watching the various activities, questioning individuals and discussing problems with officials. They are, in fact, the eyes and ears of the central Departments. They are, in the main, specialists; they know just what to look for and where to look for it; they know how to distinguish between essentials and non-essentials, between serious defects and minor imperfections, and between real local grievances and the factious criticism of eccentric or crotchety individuals. They know what can be done by the best local authorities and they know in what directions slack and inefficient authorities tend to fail in providing satisfaction. They are accustomed to dealing with all types of men; they can usually adapt their methods of approach to officials and Councillors according as they are self-confident or nervous, obstinate or yielding, quick-tempered or phlegmatic, straightforward or cunning. There is now a well-established tradition in the inspectorial service, and it is to be noted that the keynote of the procedure follows the lines of the principle "Softly, softly, catchee monkey". Taken as a body, the inspectorate of the central Departments is conspicuous, not so much for expert efficiency—though the standard is a high one—but for tact. The tradition of the service discourages anything in the nature of bullying. Inspectors discuss, advise, suggest; they do not hector, scold, or dictate. In grave cases of misconduct or inefficiency they may speak gravely and hint at serious consequences, but where they find it necessary to take a strong line in adverse criticism their attitude suggests that they speak more in

sorrow than in anger. There are, of course, as in all groups of men, some individuals who live up to the common tradition less consistently than others; the dogmatic inspector who leaves the official with the impression that he is considered an ignorant provincial is not unknown. Cases have been known when an official about to be inspected has protested direct to the Department beforehand against being visited by a particular inspector on the ground that his inspections are vitiated by unfairness or an overbearing manner. In such cases the Department invariably gives way to the protesting official, and, while taking sure steps to instruct the substituted inspector to ascertain carefully whether the objection may not be based on a fear of deserved criticism, such a complaint does not do the inspector any good in the estimation of the Department.

During the early days of the system, there were many complaints of jobbery and favouritism in the appointment of inspectors. Though there is now a much higher standard of skilled experience among the inspectorate, there are still cases of inspectors who ought never to have been given their responsible posts. Men who have had no practical experience whatever in the jobs which require a special technique rarely make efficient inspectors of people who are working at those jobs. It has been argued in favour of such appointments that "the looker-on sees most of the game", and that it is not necessary for a man to have played Hamlet or to have been a scene-shifter to make a good dramatic critic; but the extremely complex work of a local administrator and the specialised technique of many of the professions which come under departmental inspection are less easy for the mere spectator to understand than the skill of a batsman or a goalkeeper and the power of an actor to get a hold on his audience. A further complaint sometimes heard is that men who are the failures of their professions sometimes get promoted to inspect members of those very professions. But

on the whole the inspectorate consists of well-qualified and efficient men; instances of unsuitable appointments due to backstairs influence do sometimes occur, but they are becoming increasingly rare.

There are two main types of inspector: there is the routine inspector who makes a continual geographical round of local authorities examining the working of a particular branch of local administration, and there is the selected specialist who is sent down to a district to hold an inquiry into some specific point. Those who belong to the latter type may spend most of their time in the offices of Whitehall, and go only occasionally into the provinces to investigate particular questions. The services which are supplied with a regular and constant system of central inspection are police, education, and poor-law. Health services occupy an intermediate position, for since the passing of the Local Government Act of 1929, which effected a redistribution of Health services among the various types of local authority, the Ministry of Health has initiated a series of periodical surveys of Public Health work carried out by groups of specialist inspectors. The first of these great surveys, which dealt with the work of Counties, County Boroughs, and Metropolitan Boroughs, was spread over the years 1929 to 1934, and resulted in a comprehensive general report and a number of special circulars of advice as to possible improvements being sent to numerous local authorities.

The case for inspection is particularly strong in those services which receive an annual grant out of Government funds. There is no necessary connection between grant and inspection, for the first application of central inspection to Local Government services was in connection with the Poor-law authorities, which received at the time no grant-in-aid. Since the Local Government Act of 1929, local authorities have received a general grant-in-aid irrespective of the services provided, which supplies an additional reason for a claim to inspect every branch of local administration.

Although such a thing is not actually done, there is always a possibility that in egregious cases a Government Department might take the extreme step of recommending the Government to withhold the grant-in-aid from a local authority that has been shamefully neglecting its duties. This power to withhold the subsidy applies most effectively to the appointment of officers, for where part of a salary is specifically paid out of Government funds the Department concerned has an effective right of veto on the appointment of the officers. But the powers granted to inspectors are greatest in connection with Poor-law administration, where for long there was no grant; Poor-law inspectors enjoy the right to attend any meetings of a Council or of its Committees where Public Assistance is being discussed, though their privileges do not extend to the right to vote at such meetings.

The less regular type of inspector appears at all kinds of local inquiries. These local inquiries are a constant feature of English Local Government, and are most frequently held when a Council applies for permission to raise a loan for some new piece of work. As in so many other cases in connection with our system, there is no uniformity of regulation affecting all types of local inquiry. In some cases an inquiry must be held, in others the matter is within the discretion of the Department, in others a local authority or even a single objector to a scheme may insist on one being held. Such inquiries are open to any local elector who likes to attend, though the usual apathy towards Local Government makes it a rare thing for the attendance to number more than a dozen, apart from members of the Councils interested. At these public inquiries it is open to any local elector to raise objections to the scheme under discussion or to make suggestions; members of the Council who have voted in the minority against the scheme often take the opportunity to try and stop further progress by putting their objections before the inspector at the public inquiry. The decision of the

Department on the matter at issue is based on the report of the inspector, who may by his visit become convinced either that a proposed scheme is unworkable owing to special local conditions or that there is no real local demand for the expenditure of public money on such a scheme. Some of these local inquiries are held as a result of an appeal to the Ministry against some administrative action by the local Council, as in the case of a proposed demolition of houses in connection with the Housing Acts.

The Departments have been given wide powers in connection with these local inquiries. As in a court of law, persons whose evidence is considered necessary can be compelled to attend, and if they are in possession of documents relevant to the question under discussion they may be compelled to produce them before the inspector—an exception being made in the case of the title-deeds of land which is not claimed as Council property. Any person who disregards an order to appear or to produce his documents is liable to the severe penalty of six months' imprisonment, in addition to a fine of £50. Where a witness has to travel more than ten miles to the inquiry, he can claim reasonable travelling expenses, but if the distance is shorter he has no claim. The inspector has the power to take evidence on oath, as in a court of law. Finally, the costs involved in the inquiry, including the inspector's fee, may be imposed either upon the Council concerned, or on individuals or bodies who have compelled the holding of the inquiry, or may be apportioned between both sides.

At many points in local administration statute-law imposes the necessity of applying to the central Departments for sanction before the Council can act, and these applications for sanction may or may not be followed by a local inquiry according to the particular statute affecting the matter. All by-laws have to be submitted to one of the Departments before they can be enforced, and the Department has power

to veto them. Minor police regulations for Boroughs, usually styled "By-laws for good rule and government", must go to the Home Office for approval; most of the other by-laws enforced by local authorities are submitted to the Ministry of Health. Departmental sanction is required for all kinds of schemes undertaken by local Councils: housing schemes, town-planning schemes, schemes for the division of counties into isolation hospital areas, schemes for the redistribution of boundaries between one local unit and another. And this sanction is no mere formality. Schemes and by-laws are thoroughly overhauled, and many suggestions for improvement and amendment are made. Considering the fact that neither the parliamentary electors nor the members of Parliament have any interest in these multifarious investigations and revisions which are constantly going on within the offices at Whitehall, and that no vote of censure is ever likely to be passed, or even proposed, if a Department gave its sanction to local schemes without troubling to examine them, the meticulous care shown in the revision before approval is remarkable, and reflects much credit upon the efficiency of the Civil Service.

But the most important form of sanction is that required for loans. The undertaking of work on any large scale is usually too much of a burden for the ratepayers of any but the largest districts to support out of current rates: practically all schemes of major importance are paid for by raising the capital on loan, the debt thus created being paid off in a series of instalments spread over a number of years. But no local authority is allowed to raise a loan without sanction either from Parliament or from a Government Department.* A Local Act is expensive, though if the expenditure is of an abnormal type, or if a number of loan proposals come up together, it is sometimes worth the extra expense to promote a Bill for the sake of expedition. The London County Council, which is constantly borrowing money on a large scale, has

* There is a curious exception in the case of loans raised on the security of sewage-disposal works.

made it a practice to submit an annual Bill to Parliament covering its projected loan expenditure. Altogether about 10 per cent. of the money raised on loan by local authorities obtains sanction from Parliament by means of Local Acts. But the bulk of applications for loan sanction go to a Government Department; usually it is the Ministry of Health that deals with them, as the Department having the greatest all-round knowledge of the applying authority's position and work, though some sanctions have to go to other offices, electricity and tramways loans going, for instance, to the Ministry of Transport. Usually there is a public inquiry, and the same care is taken to give each application thorough consideration and criticism, as is the case with the submission of other schemes for sanction. In all these cases, the power to refuse sanction enables the Department to dictate a modification of the local proposals.

During the various economy campaigns which have swept over the country at intervals since the War of 1914, much criticism has been directed against the spending tendencies of local authorities, and the enormous amount of capital raised by recent loans, imposing an increasing burden of annual instalments upon the ratepayer, has given rise to attacks upon the Departments for the readiness with which they grant sanctions. The charge is, not that they are slipshod in their examination of schemes submitted, but that they do not impose a lower limit on the total amount an active local authority may borrow. Following up these criticisms, the Treasury has complained that, as the central financial Department of the nation, it is not consulted in such matters; though certain statutes make Treasury approval necessary for specific purposes, the majority of loans do not require Treasury sanction; and that important Department feels that besides the specific question of the utility of the service for which it is proposed to borrow there is also a more general question as to the growth of indebtedness on the part of local

authorities. The sanctioning Departments naturally do not want to part with any of their present powers, but there is a case for more frequent consultation with the Treasury, especially during times of economic crisis.

The Departments also exercise a limited control over the appointment and dismissal of Local Government officers. This power is at its greatest in the case of Poor-law officers, but where a specific portion of the officer's salary is paid out of Exchequer funds, there is always a power of veto. But the number of officers whose appointment and tenure of office is dependent in any way upon the central Department is, and always has been, a very small one. And where such powers of interference exist, the selection of candidates is left entirely to the local authorities, and no attempt is made to force a candidate from Whitehall upon any local Council.

In the sphere of financial administration the Ministry of Health has an indirect control over local expenditure by means of the system of statutory audit. All the accounts of some local authorities, and some of the accounts of all, must be annually inspected by Auditors appointed by the Ministry, and though it has recently been denied by the Ministry itself that, once appointed, the Auditors are officials of the Department, they at any rate represent central as opposed to local control. This control, however, applies only to the legality of expenditure, not to its wisdom. The Auditor does not criticise the Public Health Committee for being niggardly, or disallow payments for tramways officials because the services are badly run. As an independent outside check on dishonesty and illegality of expenditure the Government audit is, however, invaluable, and it is the bulwark of *Ultra Vires*. The famous Poplar case looked very like an extension of the Auditor's control over policy, but even here the question was fought out over the illegality or otherwise of the expenditure complained of. Perhaps the most important element of control over sheer administration as distinct from ques-

tions of legality exercised by the Auditor is the power to criticise the methods of accountancy and financial routine used in the offices of local authorities.

The Councils of all Counties, Urban Districts, Rural Districts, and Parishes must have all their accounts audited by the District Auditors from Whitehall. The same applies to the Councils of Metropolitan Boroughs, and to any joint-authority formed by the confederation of units any one of which belongs to one of these categories. Boroughs, apart from those in London, are, however, exempt by statute from a general comprehensive audit, though the accounts for those services which receive a specific Government grant, such as Education and Police, must be examined by the District Auditors even in Boroughs. The exemption of the Boroughs, which is now an anomaly, originated at a time when democratically elected Councils were a novelty, it being believed that bodies dependent on the votes of ratepayers would be almost immune from those financial irregularities which had disgraced so many of the close Corporations of the bad old days. The first national system of specialist auditors was established by the new Poor Law of 1834, but the Auditors who went through the accounts of these early Boards of Guardians were elected locally. The Municipal Corporations Act of the following year established a system of elected auditors for the reformed town-governments, and this system of municipal audit has been maintained in principle ever since. By the time that the other modern units of Local Government came to be formed opinion on the efficiency of local audit had changed, and it was insisted on that the newer units should have their accounts inspected by officials who were entirely strange to the district.

Municipal Corporations that remain under the 1835 system have their accounts examined by a body of three auditors; two are elected annually by the inhabitants, one is nominated by the Mayor. The elected ones must not be members of the

Council, the Mayor's auditor must be a member. Interest in the elections is of the weakest type, and many lifelong inhabitants of Boroughs have never even heard that there are such things. Certain curious anomalies survive in these poorly attended elections; there is only one polling station, however large the Borough, and the voter is allowed only one vote, although two candidates have to be elected. The choice usually falls on the members of some local firm of professional accountants, and a round-up among the Councillors and their friends is usually sufficient to get a majority for the candidates recommended by the Council. The old-time municipal audit is usually far less thorough than that of the District Auditor; the accountants who perform the work are often ignorant of municipal law, and though they may disallow wrongful expenditure provided that they have sufficient acquaintance with the workings of *Ultra Vires*, they have no power to impose a financial penalty on the Councillors responsible for any of the expenditure. The abolition of this old system was recommended by a House of Commons Committee on Local Expenditure in 1932, but Parliament showed itself remarkably reluctant to extinguish this old privilege of the Boroughs, and all that was done was to establish two alternative systems and make provision for their easy adoption; neither of them, however, was to be compulsory. Under the Municipal Audit Act of 1933 (almost immediately incorporated in the Local Government Act of that year), a Borough was enabled, either to arrange a contract for auditing with a person or firm possessing technical qualifications laid down in the Act, or to fall into line with the rest of the country and accept the District Auditor. In recent years it has been a practice of the Government Departments to insist, when any Urban District is promoted to the rank of a Borough, that a clause shall be inserted in its charter retaining the system of inspection by the District Auditor. Out of more than 350 Boroughs only some eighty have

accepted the national system, whilst about seventy-five have adopted the special professional audit made accessible by the Act of 1933.

The District Auditors and their staffs have to audit the accounts of more than ten thousand local authorities every year. Accounts have to be presented annually, made up to the end of the financial year, March 31. All books and documents relating to these accounts, such as the rate-book and receipt-vouchers, have to be produced for inspection. A fortnight before the audit is to begin, the local Council must notify the ratepayers by advertisements in the local paper—Parish Councils may restrict their advertisement to posters—and during the week preceding the audit any interested person may inspect any account or any document which is to be submitted to the Auditor, and such person may make copies of entries without having to pay a fee. When the Auditor arrives, any local elector may appear, either in person or by an agent, and object to the lawfulness of any item of expenditure or revenue, and if he gets no satisfaction he may insist on the Auditor putting in writing his reasons for refusing to censure the Council. The Auditor and his staff of assistants then set to work, and their visit may cover a period of more than a week, for the thorough auditing of a busy local authority's accounts may occupy a dozen men for quite a number of days. Within a fortnight of the conclusion of the inspection the Auditor makes his report. A general financial statement, drawn up according to rules laid down by the Ministry of Health, is stamped and sent to the Ministry, the costs of the audit being covered mainly by a fee charged on the Council, varying according to the total amount of the sums dealt with in the particular set of accounts.

Though the Auditor's report often contains criticisms of the local accountancy, the main business of the audit is to detect instances of peculation and illegal expenditure. During the two years 1932–4, more than two hundred officers lost their

jobs owing to defalcations discovered during these audits, and of these seventy were prosecuted in the Courts, including five whose cases were so serious that they were taken up by the Public Prosecutor. In the same period of two years, more than four hundred items of expenditure were disallowed as illegal, involving a total sum of £25,000. The District Auditor, unlike the old-time Borough Auditors, has the power of surcharge, by which he can order those Councillors and officials who are responsible for illegal expenditure to refund the money out of their own pockets, and he may apply the same penalty to cases of loss of public money by misconduct or neglect. Should the surcharge come to a sum of £500, irrespective of how many persons have to share the fine, the only escape from the penalty is to appeal to the High Court, but where the amount comes to less than that figure, there is an alternative appeal to the Ministry, which has power to remit the penalty entirely or in part. Should the appeal be taken to the Ministry, however, and the appellant is not satisfied with the Minister's finding, there is no further appeal to the Courts. Out of the 430 surcharges imposed during the two years 1932–4, thirty-three appeals went to the Ministry, and in all but nine of these cases the appellants were excused payment of all or part of the fine, the Auditor's decision being declared wrong in five cases. There were also some other cases which went to the High Court.

There are, of course, many cases in which an illegal expense is incurred without the knowledge of any Councillor or official that such expenditure is *Ultra Vires*. In such cases of genuine ignorance, the law allows a loophole in the provisions of the Local Government Expenses Act of 1887, now incorporated in the 1933 Local Government Act. The Council, realising its mistake before the Auditor issues his condemnation—often at the suggestion of the Auditor himself—applies to the Ministry of Health for a special sanction to cover the expenditure. If the Ministry is convinced that

there is good cause to excuse the offenders, special sanction is issued, and this saves all further trouble in regard to the point at issue. Some two thousand items have been recently referred to the Ministry every year under this Act, many of them representing contributions to organisations which have been assisting the unemployed; such contributions were in most cases *Ultra Vires*, but on account of the real need for such assistance during the unemployment crisis, these sums were covered by ministerial sanction. In the year 1934–5, 176 cases of all kinds of illegal expenditure failed to get covering sanction. The figures relating to financial misconduct and illegal expenditure look large when they are taken absolutely, but when one considers that there are some 120,000 Local Government officers, and that the amounts disallowed represent but a tiny fraction of the £750,000,000 spent every year by local authorities, they are not a very serious indictment of English Local Government.

ADVISORY ASSISTANCE

In addition to the supervisory and coercive functions of the Central Departments, and their powers of veto on local schemes, Whitehall fulfils a further purpose, namely the provision of expert advice on all the problems of Local Government, advice which is made available to every local authority in the country. All through the year there issues a constant stream of reports and circulars from the various Departments to local authorities throughout England, providing information and advice on a host of topics. When a new Act is passed, a summary is printed, with notes and explanations, so that there shall be no excuse for the local authorities to fail in their understanding of its terms or in their duties of carrying new legislation into effect. Ideas for economical or efficient administration which have been worked out

by some active authority or devised in the Department itself are circulated to other authorities for their consideration. The Ministry of Health, for instance, has been in recent years collecting statistics, submitted voluntarily, as to the costs of refuse-collection in towns of different types, and has provided sanitary authorities with figures and hints which may enable them to effect economies in this field of work without sacrificing efficiency. Sometimes these circulars deal with quite small points. When the Empire Marketing Board was closed down during the economy wave of 1931 to 1933, it occurred to the Ministry of Health that the very fine notice-boards erected by that Board for its own posters would come in very useful for Public Health propaganda, and local authorities were notified that they might care to consider the desirability of adapting such notice-boards as stood on Council property for this purpose.

Special reports are worked out in Whitehall on topics affecting particular types of area, and when completed these reports are made accessible to all authorities that may be interested. The problem of how to eradicate bugs from dwelling-houses has proved a difficult one for many sanitary inspectors; the Ministry of Health has issued a full report on the subject, containing not merely brief instructions as to what practical measures are the most effective, but a considerable amount of information on the nature and habits of the pests, a study of which may conduce to a more scientific attitude to the problem; this report has been issued in two forms, a longer report which may be recommended to chief sanitary inspectors and a shorter report which may be given to assistants who may not be expected to require such detailed knowledge. On the outbreak of the unusual disease of Psittacosis, or Parrot disease, the Ministry promptly secured the publication of information relative to its nature and treatment, which again was issued in a larger and a smaller form. The scare in regard to the danger of cooking in

aluminium vessels has produced a ninepenny pamphlet containing a summary of all the latest research into this question. Both the Ministry of Health and the Medical Research Council (which is under the direction of the Privy Council) publish a series of reports providing for Medical Officers and workers in hospitals an opportunity of keeping in touch with the most recent results of scientific experiment in the curative treatment of numerous diseases. The Departments also publish annual reports summarising the progress that has been made by local authorities all over the country during the twelvemonth; these reports, which are full of the most interesting statistics and observations, and are usually very well written, are not read and studied by local officials to the extent they deserve.

But it is not only by general circulars and reports that the Departments try to assist local authorities. Should any authority wish to seek expert advice on any problem, an application to the appropriate Government Department invariably meets with a courteous response. On occasion it is suggested that representatives of the local authority should come up to Whitehall, where they meet the senior officials of the Department and the expert advisers of Whitehall. A local Council cannot, of course, obtain the prolonged services of a consultative expert in this manner, but where the problem can be settled by a single conference the advice provided by the departmental staff often proves invaluable to local officials. And where the problem is such that the services of a consulting expert are needed over a prolonged period, the Department will advise as to the type of adviser that the Council should obtain and the qualifications which he should possess. The Departments are equally ready to receive deputations asking for the promotion of national legislation. For instance, the Health and Pleasure Resorts Conference recently expressed a wish for legislation to restrict the prevalence of the "fun fair" within their areas, and approached the Ministry of

Health as the general Local Government Department; the Ministry received a deputation from the Conference, heard the arguments brought forward by the delegates, and discussed the question in its various bearings.

The store of information available for use by the central Departments is obtained mainly in four ways. Firstly, there are the reports of the various types of inspector, which are brought together to co-ordinate the experiences of authorities in different parts of the country. Secondly, Whitehall employs a number of highly skilled specialists, experts in their respective lines, whose advice is available whenever called for. Thirdly, there are various Advisory Committees set up by the Departments, concentrating their attention on special problems. Fourthly, there are the returns and statistics forwarded to Whitehall by the local authorities. Some of the Advisory Committees are of a permanent nature; the Ministry of Health has four such bodies available, known as Consultative Councils, dealing with medical problems, insurance questions, local health administration and general health problems respectively, whilst the Board of Education had a Consultative Council to which were referred various important educational questions to consider and report on. Other Committees are appointed to deal with specific problems; Departmental Committees have gone into the questions of the qualifications and service conditions of Local Government Officers, and into the question of standardising stores and office requirements in Local Government services, whilst the Advisory Committee on Water-supply has been in existence for a number of years, and has issued several instructive reports. The returns from local authorities are mainly statutory, and in many cases are sent off to Whitehall annually as a matter of routine by the officials of local Councils.

Annual returns of statistics were enforced on the Boards of Guardians established under the Act of 1834 to deal with poor-relief, and in 1860, by the Local Taxation Returns Act,

an annual return of the revenue and expenditure of all local authorities was made compulsory. Subsequent statutes have added to the number of reports and returns which have to be prepared and sent off by local officials; Medical Officers of Health, for instance, have to produce a detailed annual report on Public Health work in their districts. The system has been made complete by the Local Government Act of 1929, which enables the Government Departments to insist on the production of a report on any subject relating to Local Government by any of the normally constituted local authorities. A most detailed set of statistics has to be supplied every year to the Electricity Commission by such municipalities as run their own electricity supply. As regards general returns on financial matters, if the District Auditor makes his report on a local Council's finances within six months of the end of a financial year, there is no need to submit a further copy of the figures dealt with by him, but if the audit is delayed, the figures have to be submitted to the Ministry of Health after the expiration of these six months. In the case of any statutory financial return which has to be made to any other Department, another copy has to be forwarded to the Ministry of Health as the main Local Government Department.

There is no longer the same fierce resentment against the interference of the central Departments as there was in the days of Toulmin Smith. Such interference no longer wears the aspect of novelty. But it seems almost a natural law of institutional development that as soon as a governing body gets well into the saddle it sets out to gain as much independence as possible, and the control exercised by Whitehall, normal and constant as it is, is still resented by a great many local authorities. The reason for this lies mainly in the desire for as much independence as possible, but a good deal of the misunderstanding and ill-feeling which still persist arises from the fact that there is little human contact between the

two forces. Whitehall seems very remote from the Town Hall, and the civil servants who keep sending these orders and hints and circulars of advice are thought of by many local Councillors, and even by some of the local officials, as a body of fussy, meddlesome armchair critics, dabbling in high-faluting theories and prescribing impossible standards for hard-headed local experts who have all the real knowledge. There are some Councils where it is the custom, on the receipt of a departmental circular, for the Clerk to be ordered to "throw it in the waste-paper basket". And local criticism of the Departments is not confined to their advanced views, though this form of objection is the more usual. Occasionally it is declared that Whitehall is hide-bound, impermeable to new ideas, ten years behind the times. Instances are quoted which superficially seem to confirm this opinion, at least in certain matters. New inventions and new methods have often been employed successfully for some time before the Departments have recognised their utility. This is apart from any question of administrative policy. The Local Government Board remained for years far behind the most advanced administrative practice in its handling of medical problems and in its treatment of paupers, but these were matters of policy for which Parliament must share responsibility even if it cannot be saddled with the full onus. Engineering improvements, such as reinforced concrete and the activated sludge process of sewage-treatment, were frowned on by the Ministry of Health for some years before their undoubted success secured a tardy departmental approval. But there is a case for the Departments here. In recommending the adoption of a new method to a host of public authorities, it is better to err on the side of over-caution than on that of undue haste. This is particularly true where matters of Public Health are concerned. A system which begins well may develop serious defects after a short period of use, a system which succeeds in one locality may totally fail in another place where con-

ditions are different. The fact that a Government Department holds back for some time before it shoulders the serious responsibility of recommending for widespread use a method which has not yet proved its efficiency under all likely circumstances, if it be a fault, may quite reasonably be regarded as a fault on the right side.

But the local authority that regards the Departments as so many obnoxious enemies, whose orders are resented and whose advice is scoffed at, is—to use a well-established but highly illogical phrase—"cutting off its nose to spite its face". Whitehall has much of value to offer to the local administrator. Wealthy municipalities like the London County Council or the Corporations of Birmingham, Liverpool and Manchester may be able to afford to employ experts who can talk on equal terms with the specialists of Whitehall, but in the case of the vast majority of local authorities it is obvious that the array of talent at the disposal of the Departments must have many things to teach the local officials, however capable and efficient they may prove themselves to be in dealing with routine problems. Not that Whitehall is infallible—no reasonable person would suggest that every departmental expert is always in the right. The greatest specialists have been known to err; even the great Koch perpetrated the scientific howler of announcing that bovine tuberculosis could not be communicated to human beings, but at the time he made this statement nobody was wise enough to be able to prove definitely that he was wrong. Harmonious co-operation between the local authority and Whitehall is not difficult, it can lead to very little harm, and in the great majority of cases it leads to a considerable amount of good. At any rate, the motes which occasionally distort the vision of the experts of Whitehall are not very serious; it sometimes takes a miracle of ophthalmic surgery to deal with the beams which afflict self-satisfied local authorities.

CHAPTER V

LOCAL GOVERNMENT AREAS

THE LOCAL GOVERNMENT MAP

ENGLAND is not divided into Local Government areas of a uniform type, all with the same functions to perform. We have in this country a hierarchy of Councils which vary in the number of lesser Councils they have dependent upon them. In some places there is but a single Council, controlling all local services of the ordinary type; in others we find these same services divided up between three different Councils, all exercising their respective functions in the same area. And in addition to the "normal" units there are a number of Joint-Boards of various descriptions, formed by delegates from the more normal units, but exercising powers different from those exercised by the constituent units; and there are a few special bodies composed partly of representatives of the normal units and partly of extraneous members who control certain particular activities, whilst a few Local Government functions are exercised by Benches of Magistrates whose areas do not always coincide with those of the normal types.

From Saxon times England has been divided into shires, which the Normans called Counties, and after the conquest of Wales the County system was introduced into that country: to this day the largest Local Government units are the Counties. But the Administrative Counties—to give them their official name—are not always the same as the old geographical counties into which most maps of England are divided; the old English counties number forty, usually grouped as twenty maritime and twenty inland, to which twelve must be added for Wales, whilst the Administrative

Counties number sixty-two. The extra ten are obtained by dividing up seven of the old counties into parts, and by the creation of a new unit out of pieces taken from three other counties. The large counties of Yorkshire and Lincolnshire are divided into what are locally called Ridings, a term almost certainly derived from the word Thirding, there being three to each county. In Lincolnshire the Ridings have another local name, being more officially known as "Parts"—the names of the three divisions being Lindsey, Kesteven and Holland; in Yorkshire the divisional names are merely those of the East, West and North Ridings. Suffolk and Sussex are divided each into two Administrative Counties, simply designated East and West. Two Isles appear among the modern Counties, the Isle of Wight, separated from Hampshire—which, incidentally, is officially known as the County of Southampton—and the Isle of Ely, once a real island district in the great eastern Fens, but now, owing to successful drainage operations, devoid of insular characteristics. One end of the long county of Northampton has been severed to form the smallest Administrative County in England, which bears the mediaeval name of the Soke of Peterborough—formerly the area of the "soke" or jurisdiction of the great Abbey of Peterborough. The tenth new County, formed by cutting away portions of Middlesex, Surrey and Kent, is that great Metropolitan area known as the County of London. The reasons for the existence of these anomalous divisions are mainly historical. In the days when County administration was entirely under the control of the Justices of the Peace, it happened in some shires that the local Justices took to holding separate sessions for hearing cases and dealing with business in different parts of their area, usually because of local travelling difficulties. The subdivision of the large counties of Yorkshire and Lincolnshire in days when roads were mere tracks and all travelling by land difficult and dangerous may be readily understood; the process

by which the two Isles came to be treated as separate areas is fairly obvious; West Suffolk and the Soke represent privileged mediaeval franchises controlled in early times by the great ecclesiastical foundations of Bury St Edmunds and Peterborough; the special reasons leading to a subdivision of Sussex are less obvious; all that can be said is that, except for Northamptonshire, Sussex is the county which has the greatest length in comparison with its breadth, which perhaps made for readily suggested subdivision. London, as the great urban agglomeration round the seat of national government, explains itself. All these Administrative Counties are governed by County Councils, and though the London County Council displays certain anomalies both of constitution and of function, they may all be taken generally as units of the same class.

But from quite an early date in the Middle Ages there have been some districts which were exempt from the control of the county officials. It was one of the great aims of thriving mediaeval towns to obtain complete local self-government, and a few mediaeval boroughs succeeded in obtaining by royal charter the privilege of appointing their own Sheriffs, at a time when the Sheriff was pre-eminently the County officer. These favoured towns even called themselves Counties, but in the old days they never appear to have exceeded eighteen in number for the whole of England. When the new Administrative Counties were formed in the year 1888, it was intended that ten of the largest towns of England should form similar units independent of the ordinary County jurisdiction, but when the scheme was under discussion the original number was extended by the inclusion of other towns which came nearly up to the size of the original ten. There developed a fierce little scramble for inclusion among the independent group, and active members of Parliament were stimulated into championing the cause of the places they represented. Before the curtain rang down

on this performance the number of Boroughs excluded from the control of the Counties had risen from ten to fifty-two, whilst scope was given for future additions to this number by a provision in the Local Government Act of 1888—which introduced the new County organisation—enabling other towns to free themselves from County control when their population reached a total of 50,000. The provisions regarding the creation of new units of this description have since been modified, but the practice of separating the large urban areas from County administration has become a leading feature of our system of Local Government. The official name of these urban units is "County Boroughs", and there are now eighty-four of them.

The Administrative Counties and County Boroughs completely cover the map of England and Wales. The County Boroughs are complete in themselves; all the normal services are entrusted to their Councils and there are no subordinate units. The last vestiges of the old local powers of the urban parishes, reduced to the custody of a few old parish chests and collections of records and the administration of some charity funds, disappeared under the Local Government Act of 1933. But the Councils of the Administrative Counties do not exercise all the powers wielded by the County Borough Councils; they have to share their power with a group of subordinate units, the number of units varying with the size of the County. Of these secondary units there are three different kinds, which bear the official names of Non-County Boroughs, Urban Districts and Rural Districts. Again London occupies an anomalous position. The area of the London County Council is divided into twenty-nine units; twenty-eight of these are called Metropolitan Boroughs, with functions and constitution again slightly different from Boroughs outside London, the twenty-ninth unit is the anomaly of anomalies—the Corporation of the City of London.

Of the three types of "County Districts"—the Non-County Borough (usually called by the more euphonious name of Municipal Borough), the Urban District and the Rural District—it may be said that they represent varying degrees of urbanisation. The Boroughs represent towns of large size; the Urban Districts contain small towns, with often a ring of rural surroundings; the Rural Districts, as their name implies, represent collections of villages spread over areas the description of which presents notorious difficulties to the dipsomaniac. But among the sixteen hundred and more county districts there are many borderline cases; some very small towns boast the superior dignity of the title of Borough on account of their historic past; some Urban Districts are mainly rural in character; some Rural Districts contain market-towns of fair size. The rural character of many Urban Districts has been increased considerably in recent years by the great revision of district boundaries which followed the Local Government Act of 1929, the tendency being to place as many rural parts of the country as can conveniently be managed within reach of the more efficient services supplied by the wealthier urban aggregations. There are few constitutional differences between the Urban and the Rural District Councils, though the normal functions of the Urban District Councils are wider in scope than those of the other group. In differentiating the Boroughs from the Urban Districts, however, whilst the difference in functions is slight, there are conspicuous constitutional differences between the Borough Council and the Urban District Council. In studying functions, it would be natural to take these three classes in two groups, the urban and the rural, and then to note the minor differences between the Boroughs and the Urban Districts. In studying constitutional structure, it would be natural to divide them into Boroughs and Districts, and then note the minor differences between the Urban and the Rural Districts.

Municipal Boroughs and Urban Districts have no subordinate units; their Councils perform all the work which is not undertaken by the County Councils above them. Rural Districts, on the other hand, are still further subdivided into tertiary units, known officially as "Rural Parishes", which are nowadays the only Parishes which have a separate administration for Local Government purposes. From Tudor times down to a few years before the accession of Queen Victoria the Parishes did the major part of the work of Local Government in England; then for about two generations their importance gradually declined until they became insignificant; suddenly, in 1894, they received an artificial stimulation into renewed activity by the introduction into a Local Government Act of some highly idealistic concepts about the restoration of the free village communities of Old England, and they have again become a far from negligible part of our system of Local Government. Parishes are divided into two classes, according to their size; the larger ones possess a Parish Council, whilst the smaller ones transact what little business they have to carry out at meetings of inhabitants where every person on the list of local electors is entitled to vote on the proposals submitted. Even the larger Parishes have the Parish Meeting, but it is an occasional affair and is used mainly to elect the Parish Council. In the Rural districts therefore, there is a threefold division of powers between the County Council, the Rural District Council, and the Parish Council. Legally there is scope for yet a fourth rank in the hierarchy. A group of parishes may combine to have one Parish Council for the whole united area, while retaining their separate Parish Meetings; and since the Parish Meeting always possesses certain powers of veto on the proposals of the Parish Council, the establishment of such united Parish Councils would introduce a fourth step in the distribution of governing powers. But where two or more parishes decide to amalgamate for the purpose of

establishing a common Parish Council, the practice has been to carry such amalgamation to completion, by forming one large Parish with but one meeting of electors instead of several.

Under the provisions of the Lighting and Watching Act of 1833, it is possible for the inhabitants of a part of a Parish to establish a little Local Government unit for the purpose of applying those portions of that Act which are still in force, namely the provision of street lighting and fire engines. The inhabitants can draw their own map, settling the boundaries of this small unit, call a meeting of the ratepayers who live within the boundaries they have mapped out, and, if two-thirds of those present at the meeting—or, if a poll is demanded, a majority of two-thirds of the electors—agree, a minute council is elected, retiring from office one-third annually, the members of this body bearing the title of Lighting Inspectors and being subject to the old-time rule of a property qualification, since they must be residents assessed to the value of at least £15 a year. In rural Parishes where it is undesirable to go to the expense of lighting more than a small fraction of the area, this Act is still occasionally put into force, the supply of this service being handed over to what is in practice a fourth—or, in the event of there existing a United Parish Council, a fifth—grade in the hierarchy. But these tiny units are exceptional—there are only fifteen of them—and in general it may be said that the hierarchy of English local units has three strata: the first contains the Administrative Counties, including London, and the County Boroughs; the second contains the Non-County or Municipal Boroughs, the Urban Districts and the Rural Districts; the third contains the Parishes.

THE PARISH

The renaissance of the Parish was due to a somewhat sentimental wave of democratic opinion which found vent in the insertion in the Local Government Act of 1894—which reconstituted and strengthened the Urban and Rural District organisation—of provision for a revival of what was regarded as the age-long right of the English people to transact their own local affairs in the popular assemblies which the Saxons had called by the name of Town-moot. A remarkable feature of the discussion which accompanied the passing of the Bill was the extraordinary outburst of Gladstone against the House of Lords for daring to restrict the election of these little Parish Councils to Parishes with a population slightly larger than those to which the Liberal Government intended to give this blessing. The affair was all the more remarkable in that Gladstone had just seen his Irish Home Rule Bill, a first-class Government measure, rejected out-and-out by the Lords, without much apparent concern, whilst this minor amendment of the less important part of a Local Government Bill provoked the "Grand Old Man" to declare that the House of Lords should be "ended or mended". Many people at the time thought that the Parish Council idea was a fad of idealists and was doomed to failure, but experience has shown that the Parishes, though often hampered by ignorance and occasionally misguided in action, have responded to the opportunities presented by the Act of 1894 and take their Councils seriously. The Royal Commission on Local Government, while criticising certain aspects of Parish administration, reported decidedly in favour of the system of Parish Councils, the most serious criticism of the Councils contained in the report of 1929 being that they were often ignorant of what their legal powers were, and that useful work was in many places being neglected owing to the fact that the members had no idea that they would be allowed to undertake it.

The constitutional position of Parishes as regards the possession of elected Councils varies with the figures of population; those whose population exceeds 300 must have a Council, those between 200 and 300 may have one if they so desire, those with a population of less than 200 can have one if the County Council agrees. Every Parish has a Parish Meeting, to which all those on the election register have a right to go, but the normal powers of a Parish Meeting are very small indeed, extending in the sphere of administration to little more than the management of any property which may have become vested in the Parish as a community. The County Council, it is true, may confer on the Meeting all or any of the powers of a Parish Council, but the general policy has been to advise Parishes which want to undertake Local Government functions to elect a Council. But there are quite a number of things with which a Parish Council may concern itself. The chief limitation springs from financial restrictions. The effective restrictions are not so much statutory as inherent in the size of the unit. It would be legally possible for a Parish Council to run up a large expenditure provided there were a local willingness to spend, and even the legal limits could be extended by permission of the Ministry of Health. But a rural parish is not usually a very wealthy place, and seeing that the ratepayers are already liable to pay the County rate and the Rural District rate, the opportunities of undertaking much in the way of independent expenditure are small. And where a parish, owing to some sudden access of economic advantage such as the opening of a huge factory within its boundaries, grows populous and wealthy, it secures promotion to the ranks of the Urban District Councils or amalgamates with an adjacent urban area. Legally, apart from special sanctions obtained from the Ministry, a Parish Council may spend up to a rate of 8*d.* in the pound on general purposes, another 8*d.* in the pound on parks and recreation grounds (if the population is over 500) and a further amount,

regulated by various statutes, on street-lighting, baths and washhouses, public libraries and fire-engines. As regards general expenditure everything which exceeds a fourpenny rate must be referred for confirmation to a Parish Meeting.

The purposes for which the money may be spent, however, are severely restricted. It may provide a meeting-room for its sessions and pay the salary of a Clerk, the consent of the County Council being necessary for the latter expense. It may provide allotments and undertake the cleansing of ponds and ditches. It may provide a water supply, but only from immediately local sources. It may maintain footpaths and purchase public rights of way. It may provide fire-engines and appliances. And it may secure permission from the Rural District Council to undertake some of the sanitary duties usually performed by the District Council. To reduce current expenditure it may get money on loan, with the permission of the Parish Meeting and of the County Council. It may, with the consent of the Parish Meeting, adopt one or all of four Acts, and thus gain facilities to provide parks and recreation grounds, libraries, street lighting, baths and washhouses. And though it cannot increase its financial powers, it can obtain the power of discussing and recommending local policy to the Rural District Council by getting itself appointed a "Parochial Committee" of the District Council.

The Parochial Committee system, which the Royal Commission on Local Government, reporting in 1929, thoroughly approved and wished to see extended, need not necessarily use the Parish Council as its instrument. It may be composed entirely of Rural District Councillors, or partly of them and partly of Parish Councillors, but where such Committees exist they usually simply add a few District Councillors, preferably those who live in the parish, to the Parish Council. To this Parochial Committee the Rural District Council may delegate any or all of its functions, except the power to levy

a rate or to borrow money. Thus an active Parish may, with the consent of the District Council, undertake the entire management of its local affairs so far as Rural District powers can carry it, though every proposal involving expenditure on these transferred services must go to the Rural District Council for approval. Even if the District Council is unwilling to delegate functions in this manner, the Ministry of Health may order the establishment of a Parochial Committee—if the Parish Council can put up a good case for increased powers of autonomy. With the powers of the Adoptive Acts at its disposal, and with an active Parochial Committee, a thriving Parish of growing rateable value may provide its Councillors with plenty of useful work. The small seaside resorts of Birchington and Westgate, for instance—which were amalgamated with the Borough of Margate in 1935—had for years been governed most actively by the combined action of their Parish Councils and Parochial Committees.

URBAN AND RURAL DISTRICTS

The District Councils had their origin in the Public Health agitation. When, after many attempts, the reformers who wished to improve the sanitary conditions of England at last succeeded in persuading Parliament to create special Boards of Health to undertake the provision of sanitary services, these new Boards were made compulsory only in those areas which appeared to be the most unhealthy through their high death-rate. Those Parishes which the Registrar-General's returns showed to have a death-rate equal to 2.34 per cent. of the population or over had to provide themselves with special Councils, or to unite sanitary services to their former activities. But any Parish which, even though it had no big death-rate, wished to improve its sanitary condition, might establish one of these Boards. As a result of this legislation,

which was carried through Parliament in 1848, a number of Boards of Health were established, mostly in crowded urban Parishes which had a high death-rate. Public Health was so little regarded by most people of that age that comparatively few Parishes voluntarily undertook the burden of these new functions. And where a Board of Health was voluntarily established, it was usually in a town where insanitary conditions gave rise to nuisances which had become offensive to the eyes and noses of the ratepayers, for the importance of taking active measures to improve the health of the community was still rarely realised. It was not till nearly a quarter of a century later that public opinion was ready for the establishment of organised Public Health services all over the country. But in 1872 this important step was taken, the Public Health Act of that year mapping out the whole of England into what were termed Sanitary Districts. The problem was more acute in urban areas, and a distinction was made between them and the rural areas by giving the former Boards powers slightly superior to those of the rural Boards. The original classification was simple; all those Parishes which had already got Boards of Health, all areas that were under the government of special Boards of Improvement Commissioners established by Local Act, and all Boroughs were grouped together as Urban Sanitary Districts; other areas became Rural Sanitary Districts. The Urban Districts usually consisted of complete and single parishes; Rural Districts were made in the great majority of cases to correspond with the areas of the Poor-Law Unions. There were thus established throughout England several hundreds of Sanitary Boards, divided into the two classes of Urban and Rural.

The least satisfactory thing about the new system was its nomenclature. There was nothing very inspiring in the idea of being a member of a Sanitary Board, or in being the inhabitant of a Sanitary District. The "Local Boards", as they

were usually called, evoked little interest, and became rather subjects for popular jokes about parish-pump politicians than objects of interest or pride. It was a happy idea to change the name of these bodies at the same time as their functions were enlarged to embrace more general Local Government functions. In 1894, the Local Government Act which incidentally established the Parish Councils turned the Sanitary Boards into District Councils—the former distinction between Urban and Rural being retained. There was certainly a little more willingness on the part of ratepayers both to take part in the elections for these bodies and to come forward as candidates; the bait offered by the title of Councillor attracted more candidates than when the victors at the elections became merely Members of a Sanitary Board. Nobody wanted a halo that smelt of carbolic.

The main function of the District Councils was the administration of the Public Health Acts, which were consolidated in the comprehensive statute of 1875, added to from time to time, and again consolidated in 1936. The standards of efficiency set for Urban Districts were higher than those expected of Rural Districts. Permission to indulge in Municipal Trading was extended to Urban Districts but not to Rural Districts. And in those Statutes which empowered units of large size to undertake extra duties, fixing a minimum population limit before a Council could undertake duties connected with Education, Police and Old Age Pensions, such special facilities were limited to Urban Districts. There was a double reason for this distinction. Not only was there greater need for sanitary measures in the crowded streets of towns, but the funds available for Local Government activities were greater in the urban centres. When general sanitary standards had risen, and rural imperfections in sanitation which had formerly been overlooked began to attract critical attention, it was realised that the main obstacle to progress lay in the comparative poverty of

the rural areas. There was no retrogression in these areas, for the sanitary conditions of the villages were very greatly improved during the half-century following the establishment of the Sanitary Boards; but public opinion had now been roused, standards were higher all round, and improvements in transport facilities were bringing more and more people from the towns into contact with rural conditions and more and more people from the villages and hamlets into contact with urban conditions, and the difference between the urban and rural standards could not help forcing itself upon the notice of both classes of visitor. It was the increasing volume of complaints about the low sanitary standards of rural England that led to the appointment of the great Royal Commission on Local Government in 1923; this enquiry lasted for six years, and though its time was at first almost monopolised by other questions, owing to the outbreak of the Great War of Words between the Counties and the County Boroughs, when it got down to the sanitary question the evidence given before the Commission made it clear that something must be done to enable the Rural Districts to obtain more satisfactory sanitary services than were accessible to them under the existing conditions.

The Onslow Commission, as it was called from the name of its Chairman, the Earl of Onslow, who had been Parliamentary Under-Secretary to the Minister of Health before being called to preside over the Royal Commission, made important recommendations for dealing with this urgent problem, recommendations which bore fruit in the Local Government Act of 1929. Three specific measures were undertaken to help the rural areas to obtain more efficient sanitary services: they were permanently relieved of a heavy annual burden of expenditure on highways, facilities were provided for occasional assistance from the County Council, and boundaries were readjusted so as to provide more convenient units. Except for certain main roads, which were

under County administration, Urban and Rural Districts had, down to 1929, been responsible for the maintenance of all public highways; by the Act of 1929 the whole of the expenses of maintaining the public highways in Rural Districts was thrown upon the Counties. The ratepayers of these Districts had still to pay their share towards the cost in the general County rate, but that County rate was collected from every unit within the County, and the wealthier urban units paid the major part of it. Thus the Rural District ratepayer was left with the duty of paying his share towards the upkeep of rural roads—and incidentally centralised administration under the County Council cheapened the cost of this service as compared with that of a host of isolated Highway authorities—whilst the urban ratepayer, whether in Urban District or Municipal Borough, had to pay for the whole of the roads of his district (with the exception of a few main County highways) and a share of the costs of the rural roads as well. It was not intended, however, that the money saved in the rural areas should go into the rural ratepayer's pocket. The money that had formerly been applied to Rural District Highway maintenance was now largely made available for expenditure on improved sanitary services. It was further provided in the 1929 Act that a County Council could, if it should so wish, take over from a Rural District Council the complete responsibility for the provision of any Public Health service, and in matters connected with sewerage and water supply the County Council was empowered to pay a contribution towards the Rural District Council's expenses.

It was found that many of the existing units, both urban and rural, were too small and poor to be able to provide anything approaching efficient sanitary services. It was therefore determined to institute a thorough enquiry into the extent and boundaries of the county districts, and to provide for a redistribution of territory so as to provide a more suitable series of units for administrative work. The work of

overhauling the maps of the county districts was entrusted to the County Councils, who were given the duty, by the 1929 Act, of preparing an administrative scheme, not later than 1932, for the redistribution, where necessary, of the county area between units sufficiently strong to provide adequate services. Should a County Council fail to comply with the provisions of the Act, the Ministry of Health was empowered to undertake the task, and in any case the Ministry was given the power to modify any scheme submitted by a County. Provision was made for conferences between the County Council and the constituent units, and for both Councils and private individuals who were aggrieved by the County schemes to put their views before the Ministry. Not all the Counties succeeded in getting their schemes into Whitehall by the appointed day, though in a few cases the report suggested that no change at all was needed in the existing subdivisions of the County. No principles were laid down in the Act itself for the guidance of the Counties in their provision of schemes, but circulars sent out by the Ministry of Health indicated the general lines on which the problem should be considered.

There were two ways in which the number of poor and weak areas could be reduced. The first was to take under the wing of the wealthier urban units as large areas as possible. The second was to economise in rural administration by amalgamating existing rural units, for it generally works out that a single unit can provide the same services for the same area at a cheaper rate than two smaller units dividing the area between them. Both these policies were to a large extent carried out, but the number of changes was small compared with the total of County divisions dealt with in all the sixty-two Administrative Counties. There was, of course, a considerable amount of resentment roused by the schemes. Councils that had been running for years "on their own" did not like the prospect of having to work with the members of the

Council next door. Urban ratepayers waxed indignant at the prospect of having to contribute to the process of civilising the savage tribes of Cesspool Indians that were brought within the enlarged boundaries of the Boroughs and Urban Districts, while rural ratepayers protested bitterly at the hewing off of the urban suburbs of high rateable value that had grown up across the old boundaries of the Urban Districts and Boroughs and had been hitherto contributing a substantial sum towards the funds of the Rural District Councils. The question was complicated by the anxiety of the County Councils not to lose the education and police rates hitherto paid by areas adjoining Boroughs that provided their own elementary schools and police forces. The new units did not seem in all cases to promise altogether satisfactory results, but the Ministry of Health gave its sanction to most of the schemes. The provisions of the 1929 Act, confirmed in the Local Government Act of 1933, left it open to the Counties or the Ministry to institute another review of boundaries after an interval of ten years. An Act of 1945 modified this procedure by setting up a special Commission of five members who were to review the areas of all English Local Authorities except those in the London region, reporting to the Ministry of Health, which would then formulate schemes for submission to Parliament for confirmation.

Provision is made in the normal system as established by statute for the conversion of a Rural District into an Urban District and vice versa, for the promotion of a Parish into an Urban District, for the carving out of entirely new units from existing ones, for readjusting boundaries, and for the conferring of the powers of Urban District Councils upon Rural District Councils. The Local Government Act of 1929, when arranging for the great national revision of boundaries, made provision for periodical further revisions at intervals of not less than ten years, and this has been incorporated in the general system by the comprehensive Local Government

Act of 1933. There was never very much activity in readjusting boundaries or creating new units under the old system in force before 1929, and after the 1945 Act survey changes may be almost entirely reserved for the decennial revisions. With the increasing urbanisation of so many parts of England it does not seem likely that the process of changing Urban into Rural Districts will be much more than a rarity in the future, but the review resulting from the 1929 Act witnessed a perfect holocaust of Urban Districts. This was due to a factitious creation of Urban Districts which forms a remarkable passage in the history of English Local Government. There was no great rush to establish the Boards of Health recommended by the reformers who secured the passing of the 1848 Public Health Act. But in 1862 a Highways Act ordered the compulsory grouping of Parishes into Highway units in order to undertake collaborative work in the improvement of the condition of English roads. Those districts which were already under the jurisdiction of a Municipal Corporation, a Board of Improvement Commissioners or a Board of Health were exempt from the compulsory inclusion in the new Highway Districts which were to levy the rates for road improvement. The Local Authorities of those days were no more anxious to spend money on highway maintenance than they were to spend it on sanitation, and the passing of the new Highways Act provoked a sudden rush of Parishes to get into the ranks of the exempted units. Incorporation as a Borough could be obtained only by royal charter or Act of Parliament; Improvement Commissioners were becoming obsolete, and in any case could be established only by the promotion of an expensive Local Act; but admission to the ranks of sanitary pioneers was easy, as the central Departments had for years been urging the Parishes to establish Health Boards, and the cost involved was negligible. Hence a rush of applications for registration as sanitary authorities, applications which in the existing state of the law

could not be refused. In the course of twelve months no less than nine hundred Boards of Health were established, Boards which had no more intention of laying down a sewer or cleansing a ditch than they had of improving road surfaces. In the session of 1863 an amending Act was hurriedly passed restricting the establishment of new Boards of Health to Parishes with a population of at least 3000, but no attempt was made to dissolve the hundreds of new local authorities whose name of Boards of Health was a sheer mockery. When the new universal sanitary authorities were established in 1872, these nine hundred authorities found themselves exempt from inclusion in Rural Districts, and recognised as Urban Districts, owing to their possession of Boards of Health. And these ridiculous little Urban Districts, some of them with but a few hundred inhabitants, remained in possession of urban powers and separate from the adjacent Rural Districts until the great revision of boundaries following the Act of 1929 at last swept them away and merged their petty areas in other units.

THE BOROUGHS

A thriving town under the government of an Urban District Council is usually found to contain people who are looking forward with considerable pleasure to the day when the town gains "Borough status". The name "Urban District" has a very modern and uninspiring sound, but there is a fine old ring about the designation "Borough". We read of Boroughs in Anglo-Saxon history, and during the Middle Ages it was the aim of every town that had ceased to be a mere village to obtain a charter from its feudal Lord or from the King raising it to the position of a Borough, for this entailed certain rights of self-government. Nowadays the actual difference between a Borough and an Urban District is small. Boroughs, it is true, have certain rights which are not possessed by the Urban Districts, but they amount to

little in the sum total of governmental powers. But the constitutional structure of a Borough is sufficiently distinguished from that of an Urban District to make it appear something entirely different. And from a constitutional point of view, the Boroughs—whether Municipal or County—are unique in deriving their position, in the great majority of cases, from the Crown and retaining that position by right of possession of a royal charter. It is possible to create a Borough by Act of Parliament, which receives the formal royal assent like any other statute, but Municipal Boroughs created by statute are rare.

The procedure for the creation of Boroughs has undergone a change in the last few years, though only in the formalities preceding the essential act of creation, which is the grant of the charter by the Crown, these changes being introduced in the Local Government Act of 1933. Formerly it was a body of local residents who sent a petition to the Crown, irrespective of whether they were Councillors or not; now the petition is forwarded by the Council, which has to approve the petition at two separate meetings held with an interval of at least a month between them. The petition goes to the Privy Council, which refers it to a special Committee, and a serious inquiry begins. The Ministry of Health and other Government Departments are called upon to supply reports on the Urban District concerned, particularly as to whether the Council has proved itself satisfactory in the way it has administered the affairs of the town. A report is also called for from the County Council. In addition to the inquiries in London, the Privy Council sends an Inspector, usually a barrister, to the town itself, and a public inquiry is held where any local feeling of opposition to the change that may exist has a chance to make itself heard. The fees connected with this local inquiry are paid by the local Council. Four things may spoil the chances of a town obtaining Borough status. Firstly, if the town has not yet reached a

total population of 20,000 the application will almost certainly fail, for though there is no statutory or published rule on the subject, it is now the practice to restrict charters to towns above that figure. Secondly, if there happens to be strong local opposition to the application, this may lead the Privy Council to advise leaving things as they are; such opposition may be due to the unpopularity of the existing Council, or to a democratic feeling against the system of co-option which is at once introduced on a large scale when a town becomes a Borough. A bad record in the books of the Ministry of Health may prove unfortunate on a demand for Borough status, though the Ministry complained before the Onslow Commission that charters had recently been issued to towns which had no good record in administration. Finally, corporate conduct of a type that has been publicly condemned, apart from bad administration—it may be of a political nature—may have an adverse effect; it is said that Walthamstow, in spite of its population of nearly 150,000, had to wait for some years for its charter as a Borough on account of the support its Council gave to the General Strike of 1926.

But even if the Council successfully passes the scrutiny of the Government Departments and the Inspector, the cup is not yet at the lip. If the Privy Council approves the application, notice must be given to the ratepayers by two advertisements in the local papers appearing at a month's interval. Should any public body, such as the County Council or the Council of an adjoining district that wants eventually to absorb the Urban District in its own area, petition the Crown against the application, or should local feeling be so strong or so well organised that as many as one-twentieth of the electors put in a similar petition, then confirmation is postponed until the proposed charter receives the approval of both Houses of Parliament. What would happen in a case of this kind is problematical, for so far there has been no case of such a petition. The parliamentary procedure at any rate

allows for the appearance of the objectors before a Select Committee to state their case. But should things go smoothly —as they almost invariably do—the charter is granted by the King, on the advice of the Privy Council, there is general rejoicing among the Councillors, and the new Borough is inaugurated with a great display of pomp and circumstance.

The points of difference between the position of a Borough and that of an Urban District are many, but as far as advantages go, there is not a point claimed by the advocates of Borough status that has not been made the subject of controversy. Under certain circumstances, usually based on the figures of population at different dates, the newly created Borough is allowed to take over independent management of certain services. The most important of these services, on paper, is that of Police; but in practice the Home Office has successfully stopped the creation of any more small police forces, and it is now an invariable condition of obtaining Borough status that a clause in the charter shall preclude any claim in this direction. Freedom to run an independent system of elementary schools was granted under certain circumstances down to 1931, but in that year the Education (Local Authorities) Act put a stop to any more independent elementary education authorities below the rank of a County Borough, and County Borough status is so far away in the future for most towns that apply for Borough status that the consideration is rarely worth mentioning. These major advances in independence are now things of the past, but several minor privileges of the same nature remain. These include power to appoint inspectors of Food and Drugs, Weights and Measures, and Diseases of Animals, the opportunity of undertaking some duties under the Shops Acts, the Old Age Pensions Acts, and the Insurance Acts, and the Naval and Military Pensions Acts, and (if over 25,000 population) a chance of obtaining from the Home Office permission to pay a stipendiary magistrate to hear local cases. But

in none of these minor services is there any serious complaint that the County Council, which performs the duties for Urban Districts, has proved inefficient in the work.

From of old Boroughs have enjoyed the privilege of issuing those minor police regulations concerning urban nuisances which are referred to by the old name of "By-laws for good rule and government", and which comprise a miscellaneous selection of regulations relating to the position of petrol-pumps, noisy loud-speakers, street hawking, and other things. Here again there is rarely a complaint that the By-laws made for the good rule and government of Counties are less satisfactory than those of the Boroughs, and it is held by many to be a positive disadvantage to have different sets of By-laws in different towns situated in the same County. A man may find himself fined five pounds in one town for doing what is perfectly legal in a town a few miles away. A further degree of independence lies in the special system of local audit for some of the Borough accounts, but here—as in the case of Police—it is now the practice to insist on the forfeiting of any claim to this privilege before the charter is granted.

But the most obvious difference, apart from the change of designation, is in the constitutional sphere. On attaining Borough status the Council is at once modified by the addition of a body of Aldermen; these members are not elected by the inhabitants but co-opted by the Councillors. Democratic opinion has subjected this system to severe criticism, and during the debates on the Local Government Act of 1933 a Socialist amendment was moved to abolish the whole aldermanic system. Some hold that the intrusion of Aldermen is a step in the wrong direction, and others who see no objection to their presence on the Council also see no advantage in having them. The Chairman of a Borough Council is given the title of Mayor, and the ratepayers are given the privilege of paying him a salary, which they are not

allowed to do in connection with the Chairman of an Urban District Council: the main advantages of this are, that the town, by drawing on the Mayor's salary, is enabled to entertain distinguished visitors at mayoral receptions and banquets, and that some capable men who are excluded from office by the feeling that they cannot afford the incidental expenses of being the town's chief citizen may be tempted to put their organising genius at the disposal of the ratepayers by accepting the leadership of the local governing body.

But all these arguments in favour of Borough status are largely academic; they are rarely urged with very much warmth or seriousness. The chief advantage of promotion to the ranks of the Boroughs is increased dignity—dignity for the town, dignity for the inhabitants, who may now call themselves burgesses; above all, dignity for the Councillors, who may hope without too long a delay to be addressed by the superior title of Alderman, and eventually by that of Mayor. Furthermore, there is equally an addition to the dignity of the leading officials; the Borough Surveyor, the Borough Treasurer, the Town Clerk of the Borough seem more distinguished people than the Surveyor, Treasurer and Clerk of an Urban District, whilst there is even an advantage when applying for superior posts in other towns in being able to refer to responsible office in the service of a Borough.

COUNTY AND COUNTY BOROUGH

Though promotion to Borough status means little more than the successful prosecution of a policy of bigger and brighter haloes for Councillors and Officials, promotion to County Borough status involves changes of very serious magnitude. When a town becomes a County Borough it suddenly becomes charged with duties of a new and important nature. It is invested with the entire charge of its Poor-law system,

it becomes the sole Education authority, becoming responsible for framing a complete scheme for all types of school from the Nursery School to the Technical College; it has to arrange for comprehensive services in connection with tuberculosis, maternity and child welfare, and venereal disease; it must take over from the County Council the maintenance of main roads; it becomes responsible for the care of lunatics and the mentally deficient, and will be at least nominally responsible for Police; it undertakes new duties in registration and licensing; it has increased functions in regard to Health Insurance and Pensions. In fact, it becomes responsible for the whole series of Local Government functions which it formerly shared with the County Council. The Local Government Act of 1888 provided that a town could obtain County Borough status on attaining a population of 50,000, though to achieve this promotion easily it had to obtain the approval of the Local Government Board —after 1919 of the Ministry of Health—which would issue a Provisional Order needing the formal confirmation of Parliament. Even if the town's record of administration was not good enough to earn the approval of the Government Department, it was still possible to achieve the advanced status by promoting a Local Act, though in such a case the opposition of the Department would have to be dealt with. Under this system a score of Boroughs obtained freedom from County control during the generation following the passing of the Act of 1888.

It can readily be imagined what a blow it is to a County Council to be suddenly faced with the loss of what is probably its most wealthy area. It is true that the loss is to some extent compensated by the reduction in the number of people for whom local services have to be provided, but the superior resources of the large towns always enable the Counties to draw on the funds of these big urban areas to help in providing services for the poorer rural areas. No local

authority likes parting with powers which it has become accustomed to wielding or losing control over areas that it has been governing, but in the case of Counties and County Boroughs the wrench of separation is made more painful by serious financial problems. County Councils watch with apprehensive eyes the figures of the Registrar-General slowly bringing their most important urban centres nearer to the day when the ripe fruit will break off from the parent stem. And the sudden loss of these important towns is not the only danger which threatens the Counties in this direction. The County Boroughs, as their suburbs spread out over the County boundary-line, become anxious to extend their control over the adjacent areas, and the same easy process of Provisional Order was made available by the Act of 1888 for the extension of a County Borough area at the expense of the County. Between the establishment of the system in 1888 and the overhauling of the system by the Onslow Commission which resulted in the legislation of 1926, there had not only been twenty-one new County Boroughs carved out of County territory, but there had been over a hundred separate extensions of County Borough areas, each lopping away some suburban fringe just as it was becoming a source of strength to the County government. The Counties had done what they could to oppose these losses, both by representations to the Department and by opposition in Parliament; in thirty-eight cases they had been successful in gaining the support of the Department, in sixteen cases Parliament had rejected the claims of the Boroughs. But in spite of occasional successes during this period the Counties lost a total of a third of a million acres of territory, three millions of population, and nearly fifteen million pounds of rateable value.

So strongly did the Counties feel on the subject, that when the Royal Commission on Local Government was appointed in 1923, they brought their case before it in full strength; the

County Boroughs rallied to defend their position, and a great controversy began. The Commission, which had met primarily to consider the problem of the backwardness of the rural areas, as compared with the urban centres, realised that this controversy between the Counties and the County Boroughs struck at the root of the problem they were about to consider, and laid themselves out to hear every side of the question. This question of County Boroughs, in fact, occupied the greater part of the time of the Onslow Commission for the first two and a half years of its existence. Much strength of feeling was displayed on both sides, for serious questions were at issue. Each side attacked the efficiency of the other's administration. There were naturally instances of gross exaggeration, occasionally of wild distortion of facts, and there were times when it was felt that if only the controversy had been shifted from the Royal Commission to the Assembly of the League of Nations there would have been a good chance of a European War. Had the controversy taken place in an earlier period of English history, the appearance of a claimant to the throne who had the flair to make himself the champion of either the Counties or the County Boroughs would have probably started a civil war in England.

The main case for the Counties was that transfers of territory to County Boroughs were steadily reducing revenues at a time when more and more expensive duties were being imposed upon the Counties by legislation. In recent years the Counties had been made responsible for the provision of new services in connection with tuberculosis, venereal disease, mental deficiency, and maternity and child welfare, whilst it was now being proposed to add to these burdens complete responsibility for Poor-law administration and responsibility for the maintenance of all rural roads. The old services, too were costing more, the standards demanded by public opinion constantly increasing. Even the maintenance of main roads had vastly increased in cost, the wear and tear of modern

motor traffic involving constant expenditure on the part of the highway authority. And this wear and tear was caused mainly, argued the Counties, by cars belonging to the ratepayers of the big towns, and by heavy lorries carrying supplies of goods to the large urban centres. This was the old problem of the local maintenance of roads for the benefit of through traffic, and there was much argument on this point alone, sometimes of a rather heated kind. There was much argument, too, as to the relative wealth of big towns and less crowded areas, and as to the need for increased services in the crowded poor-class quarters of big Boroughs. The figures collected by the Ministry of Health show that the average amount of rateable value per head of the population in England and Wales is half as much again in County Boroughs as in County areas, since urban properties for the most part command higher rentals and assessments than rural properties; and though the needs of urban dwellers are in some respects more pressing than those of rural parts, the concentration of work within a narrow area tends to allow of economies of administration which are denied to County Councils with large areas to provide for.

The different conditions under which the two types of authority have to work, particularly as regards extent of area to be covered, underlay much of the discussion on the relative efficiency of the services. The County Boroughs based their case largely on their claim to provide more efficient services, and many severe criticisms were levelled at the County administration, which the Borough champions declared to be slow, backward and lacking in imagination. The Counties denied that their services were inferior to those of the Boroughs and declared that whilst paying on the average higher salaries than the Boroughs provided for expert services, the administration of County Government was free from those occasional scandals of corruption which have developed in some County Boroughs. The mere fact that the

heavy expenses of travelling limited membership of County Councils to fairly well-to-do people was declared to act in favour of honesty and against corruption and axe-grinding. The County Boroughs claimed to be more ready to spend on efficient public services and pointed to the fact that their elementary education and highways rates averaged respectively 16 per cent. and 34 per cent. higher than in the Counties, to which it was answered that, as regards education, the smaller the unit, the higher the proportionate cost, and that the Boroughs would be better off if they allowed the Counties to retain control of their educational systems; whilst as regards highways, it was obvious that the network of streets in a town with turnings every few yards was a more expensive matter than the infrequent cross-country roads of rural areas. There was also keen controversy over the relative efficiency of County and Borough police forces. A strong point was made by the Boroughs when they showed that, though there had been no retrogression in the health of country children, the Health services of the towns had so improved the town children that they now enjoyed better health than those of the villages; the Counties replied that if they had the money to provide better rural housing conditions and conveyances to overcome the difficulties of rural school-children, who had to make long daily journeys on foot in all weathers, there would be no cause to complain. Perhaps the most priceless gem of argument produced by the whole controversy was when, in answer to the charge that County Council elections roused so little civic interest that nearly all the returns were unopposed, the representative of the Counties solemnly claimed that this was a proof of the contentment of the ratepayers with their excellent government.

The Counties demanded that decisive action should be taken to stop the progressive weakening of their resources by creations and extensions of County Boroughs. They asked

that in future the minimum population required for a County Borough should be a quarter of a million. The Urban and Rural Districts hesitated; they were in somewhat of a dilemma—every loss of territory to the County meant an increase of the burden on the remaining area, and they did not want an increased County rate, but the largest and most thriving units were themselves looking forward to the day when they would obtain County Borough status, though in most cases it would be in a rather distant future. The Municipal Boroughs on the other hand were mostly anticipating a more rapid elevation to independence of the County. Hence, while the Non-County Boroughs generally supported the *status quo*, hoping for emancipation when they attained a population of 50,000, the Districts compromised at a figure of 100,000. The Counties also demanded that compensation should be awarded for each loss of rateable value consequent on the creation or extension of a County Borough. Compensation was already compulsory where the loss related to grants-in-aid from Government Departments, but since a High Court case between West Hartlepool and Durham County in 1907 it had been definitely held that the mere loss of rateable value gave no claim. The Counties also demanded that the easy process of Provisional Orders should be denied in cases of aggression on County territory. The County Boroughs stood out for the *status quo*, and made counter-proposals for solving the difficulties of their opponents. The 1888 Act made provision for the amalgamation of counties by agreement, but in no case had even the smallest and poorest counties even attempted to avail themselves of this obvious method of effecting economies of administration. It was pointed out that the adoption of even the 100,000 population test which it had been proposed to apply to Boroughs before declaring them suitable units for independent administration would at once exclude six English counties and another six Welsh ones from a claim to separate administration. But the

local patriotism of the Counties revolted at the very idea of this extinguishment of historic entities.

The Onslow Commission, after long consideration, came down on the side of the Counties, but would not grant the extreme demands of the County champions. The Commission intended to do something to relieve the rural areas and make them self-supporting, and this was no time to allow County resources to be still further depleted. The result was seen in the County Boroughs and Adjustments Act of 1926, which gave the Counties protection in three ways. Firstly, the minimum population limit was raised from 50,000 to 75,000. Secondly, neither creations nor extensions could in future be carried through by Provisional Order, except in such cases of extension as met with the approval of the Counties. The normal procedure was now to be by Local Act. Thirdly, there was to be a slight increase in the amount of compensation payable to the Counties for loss of grants-in-aid. Here the matter has rested as far as official action is concerned. But the problem of efficient County government still remains and crops up periodically in revived suggestions for the amalgamation of the smaller counties and in schemes for the revolutionising of the system by abolishing both Administrative Counties and County Boroughs, and replacing them by new provincial units combining a large tract of rural territory with a central urban core formed by one or more of the existing County Boroughs. The report of the Royal Commission on the Local Government of Tyneside in 1937, with its scheme for a single major authority covering all urban and rural areas in Northumberland and the adjacent parts of Durham, provides food for thought.

LONDON

The Metropolitan area stands outside the national system of Local Government, for though its governing bodies and their functions have a close resemblance to those of the rest of the

country, there are a number of unique points about both, and in many fields of activity London government depends on the provisions of a different set of statutes to those which apply to the rest of England. London has its own Public Health Acts and its own Rating and Valuation Acts, whilst the Local Government Act of 1933, consolidating all the constitutional legislation relating to the normal Local Government units, has its complement in the London Government Act passed in 1939. This anomalous position of London is not due merely to the fact that it is the capital, or that it is the largest urban agglomeration in the country. It is due mainly to historical causes, of which the chief is the persistent and successful opposition of the old Corporation of the City of London to any modernisation or reform which would tend to diminish its power and privileges. When, in 1833, it was decided to introduce reforms which would substitute for the antiquated, oligarchical, nearly always useless and often corrupt Municipal Corporations of the time a new group of elected municipal bodies to undertake the effective improvement of the towns of England, the City Corporation set itself to defend every one of its ancient powers and every part of its ancient constitution. The City of London was left out of the great Municipal Reform Act of 1835, but the Government tried to bring it into line with the other cities and towns of the country by instituting inquiries into its condition after the Act had been passed. The Corporation put every possible obstacle in the way of the Commission which was trying to get at the facts of London government, and eventually the Government of the day gave up the effort. And for more than half a century the Corporation of the City of London continued to oppose, not only any reform of itself, but also any effective reform of the new London that had grown up outside the old City boundaries.

The remarkable success of the City in holding back the

hands of progress was due mainly to its enormous wealth. For "the City" had come to be almost synonymous with "High Finance" in England. Governments which could command the sympathy and support of "the City" always felt stronger than those which had no such support, and since Parliament has until recent years been composed almost entirely of moneyed men, there was always a strong body of support for City interests within the two Houses. Gladstone could on occasion lash the Corporation with his trenchant speeches and denounce its ineptitudes and inefficiencies, its miserly grip on even the smallest of its privileges and powers and its dog-in-the-manger attitude to those who wished to improve the institutions which it had mismanaged and neglected. But even Gladstone, though he could beat the City on points of detail, was unable to effect any substantial reduction in the power of this mediaeval anomaly to hinder the progress of the greatest city in the world. Attempts were made to get round this opposition by offering to make the old Corporation the central feature of a reformed system. A Royal Commission on London Government suggested in 1853 that London should be given a united and strong governing body, under the Lord Mayor and Corporation of the City, but the constitution of the Corporation was to be reconstructed on a democratic basis, and the City refused to look at the scheme. For the City knew that in any local authority for the whole of London, however much the privileges of the Livery Companies and other remnants of mediaevalism might be protected at first, sooner or later the whole would swallow up the part, and the government of the "one square mile" of the most valuable building-land in the world would come under the profane control of the lesser breeds without the law.

Hence, right into the second half of the nineteenth century, the great Metropolis of England remained a chaos of Parish Vestries, Boards of Improvement Commissioners, Boards of

Guardians, and—down to 1848—Courts of Sewers, to a total number of some two hundred bodies, their united efforts leaving London the foulest, most unhealthy, and worst governed urban area in England. It was not until the year 1855 that any comprehensive reform was carried out, and in that year the Metropolis Management Act—the very name of which indicates the desire to avoid anything suggestive of a civic consciousness or pride in London as a whole—established twenty-three large Vestries of a uniform type, fourteen District Boards representing subordinate collections of little parishes, and a central body with the unimposing name of the "Metropolitan Board of Works", elected, not directly by the ratepayers of London, but by the Vestries and District Boards, being, in fact, a federal assembly of delegates. To this central body the Corporation of the City of London condescended to send delegates; but the Act gave the constituent bodies a veto on almost everything the central Board proposed, and though the Metropolitan Board of Works did manage to carry out some very useful reforms, such as the provision of a really fine system of main drainage and the construction of the Victoria Embankment, both its powers and its functions lagged a long way behind those of provincial cities such as Birmingham, Liverpool and Manchester, not to mention scores of lesser towns.

After the lapse of a generation, another attempt was made to establish a really effective municipality in London. But Sir William Harcourt's London Government Bill of 1884, which would not only have established a democratically elected Council for the whole of London but would have abolished the effective governing powers of the Corporation of the City, was defeated. This sacrilegious attempt to set hands on the Holy of Holies provoked the Lord Mayor himself to exercise an almost forgotten privilege of the Corporation by entering the House of Commons while in session to protest against the Bill, whilst "the City" spent vast sums in

placards and propaganda in defence of ancient liberties, and bullies, alleged to have been hired, broke up meetings called in support of the Bill. That same year a Royal Commission that had been investigating the condition of the Livery Companies which formed the core of City government issued a report which indicated that that core was to a large extent rotten.

A further Royal Commission was then appointed to consider the question of the future of London as a whole, and on the recommendation of this Commission there were incorporated in the Local Government Act of 1888, which established the new Administrative Counties and County Boroughs, provisions for the election by the ratepayers of London of a County Council with wide powers, to replace the Metropolitan Board of Works. It has often been regretted that the boundary for the new London County Council was not extended beyond the old line which marked the limits of the jurisdiction of the old Board of Works, and though serious negotiations have been more than once undertaken for uniting the whole of the contiguous urban areas of the Metropolis under one great municipal authority, London still ends—as far as municipal organisation is concerned—at the line which was considered the limit of urbanisation in the year 1855. Special provisions were, however, inserted in the Act to preserve the local independence of the Corporation of the City, and the powers which were granted to the London County Council were not so extensive within the City area as in the other parts of the Metropolis. But a most important step had been taken. The City began to adopt a more modern attitude, though still very tenacious of its special privileges. Eleven years later the smaller London units were reconstituted, the Vestries and District Boards being swept away and replaced by twenty-eight units called Metropolitan Boroughs, with constitutions similar to those of Municipal Boroughs. With some exceptions, the relations of the Metro-

politan Boroughs to the London County Council were those of the Municipal Boroughs to the Administrative County Councils.

The main constitutional differences between the London units and those of Councils in the rest of England are that all the Councillors must retire together, resulting in a general election every three years, and that the number of Aldermen in proportion to the rest of the Council is smaller in the London units. The provincial rule is that the Aldermen shall number, as nearly as possible, one-third of the elected Councillors, making a quarter of the Council. In London the rule is that the Aldermen number only one-sixth of the elected Councillors, making a seventh of the Council. For the London County Council there are 124 elected members and a round score of Aldermen. The main functional differences are that the London County Council, in addition to the normal duties of County Councils, controls the main drainage system—though not the smaller sewers—executes street improvements on the main thoroughfares, maintains the Thames bridges outside the City area and the Thames Embankments, the Thames tunnels and ferries; and is responsible for the parks and recreation grounds, and for the London Fire Brigade. The L.C.C. is also the sole Town-planning authority outside the City area, whilst it shares with the Metropolitan Boroughs duties under the Housing Acts and the control of Building regulations. It also has a power of veto on all by-laws and all applications for loans proposed by the Metropolitan Boroughs. Under the Local Government Act of 1929, County powers may be transferred to the smaller units by order of the Ministry of Health.

The Corporation of the City of London, though it introduced a small element of election by ratepayers into its complex constitution in 1894, remains a mediaeval anomaly. Although the area is so small, approximately only one square mile, it has a Common Council of more than two hundred

members, who are elected annually by twenty-six constituencies which between them contain about 25,000 electors; some 15,000 electors claim the vote through a property qualification, and some 10,000 through being members of the City Livery Companies, now mere social clubs which incidentally have the management of large charity funds. There is a House of Lords in the shape of a Court of Aldermen, elected on a democratic franchise, one for each of the twenty-six Wards; but once elected, these Aldermen are there for life, and the sitting members have a right of veto on any new member, however large his majority at the election. The Lord Mayor of London is elected annually by an assorted collection of personages, Liverymen and Aldermen, retiring Mayor and Sheriffs; his elevation to office is marked by the traditional procession known as "the Lord Mayor's Show" and a banquet at the Guildhall at which, for more than a century, it has been the custom to get a prominent statesman to make a speech on national policy. The powers of the Corporation extend beyond its boundaries; it is the sanitary authority for the "Port of London", which extends from Teddington Lock to the Isle of Sheppey; it maintains large parks in distant areas, including Epping Forest, and by a charter of King Edward III it has control over all markets within seven miles of its boundaries. It maintains its own police force, and possesses several hundred other anomalous privileges, functions, and methods of procedure. It is only fair to say that its administration is of a high standard of efficiency, which, considering that it has a rateable value of nearly nine million pounds—more than that of the whole Administrative County of Kent—is perhaps not surprising.

THE FEUDAL SYSTEM

The Great War between the Counties and the County Boroughs is only one example of the rivalries which are constantly being prosecuted between units of different types and between different units of the same type. It seems a law of human nature that as soon as a body of people get together and develop a corporate spirit, they inevitably tend to treat all other associated groups as real or potential enemies. In mediaeval times, when local separatism was much more easy and natural than it is now, there was a constant rivalry between the thousands of feudal States which covered the maps of the Kingdoms of Western Europe, rivalry which frequently found vent in war and violence. Though we have become less violent in our methods, and modern transport and communication facilities tend to reduce the separatist tendencies of towns and districts, the spirit still exists, and the behaviour of Local Government units towards one another often resembles that of the old feudal States. Each is tenacious of its existing powers and anxious to extend them. Each is resentful of any loss of territory and pleased to extend its control over adjacent territory when such extension would add profitable rateable value to its area. The smaller units fear, and try to provide against, absorption by the larger units. Nearly all are distrustful of their neighbours and unwilling to undertake any effective co-operation with them. The smaller States of the feudal hierarchy are jealous of the powers of the superior units, and tend to complain that other units of the same group are getting unfair advantages. And all the feudal units are anxious to restrict the power of the Crown, as represented by the Government Departments, to a minimum, and would be very pleased, were it conceivably possible, to achieve complete independence. Our system of Local Government units, in fact, much resembles a Feudal System, where local patriotism leads to rivalry, diplomacy and

war, though the warfare is nowadays conducted by "constitutional" methods.

There is a broad distinction between the outlook of the various types of unit. The Parish tends to break away from the Rural District; the County Districts nearly always feel that their own administration is of better quality than that of the County Councils above them, particularly as in the more recent period the demands of the County rate considerably exceed those of the Borough or District rate. There is the great contest between Counties and County Boroughs. The Metropolitan Boroughs keep a sharp eye on the London County Council to preserve as much freedom of action for themselves as possible. And all at times feel resentful towards the interference of the Government Departments and impatient of the trammels of *Ultra Vires*. The different types of unit tend to combine for diplomatic action, and there exist active Associations to which units all over England subscribe funds; the County Councils, the Municipal Corporations, the Urban District Councils, the Rural District Councils, the Parish Councils, the County Boroughs, all have their Associations, which hold annual conferences attended by delegates consisting of officials and Councillors from all over England. The Metropolitan Boroughs have a conference called the Standing Joint Committee, though not all these units belong to it. The committees or executives of these Associations take counsel together on topics of mutual interest, and occasionally send deputations to the Government Departments, whilst when new legislation is in preparation and when Royal Commissions or Departmental Committees are investigating questions of Local Government, the delegates of the Associations often attend and press their respective points of view. The Health and Pleasure Resorts have their own conference, representing mainly the seaside towns, whilst there is a parallel organisation for towns which claim a more definite status as spas or curative centres.

The Local Government and other Acts have made provision for the appointment by groups or pairs of Local Authorities of Joint-Committees for the management of all kinds of services. But it proves a very difficult thing to get these Joint-Committees established. If one authority is willing, the other is not; each unit fears that the joint arrangement will prove too favourable to the others, and the prospect of having to work with the foreigners from over the border is not a pleasing one. And when these Joint-Committees do get established—which is not often—they contain latent elements of discord. Some of them work remarkably well, but others are constantly paralysed by local jealousies, and even in a smoothly working Committee of this kind a display of undue warmth by one member on behalf of his own district immediately provokes counter-demonstrations of local patriotism from other members. The Isolation Hospitals Act of 1893 made such Joint-Committees compulsory over large parts of the country; and as a result of this Statute more than two hundred of such bodies came into existence. The droughts of recent years have provoked the formation of several new Joint-Committees for water supply; these now number some fifty. There are also forty-five joint sewerage Committees, thirty harbour sanitation Boards, and a dozen or so Joint-Committees for the provision of electricity and gas, besides a sprinkling of joint Town-Planning Committees. But considering the large number of local authorities, very little use has been made of the provisions of various statutes for joint action.

Local authorities are little inclined to help one another, and a broad national outlook on Local Government as a whole is most uncommon. Some Councils in County Districts deliberately keep their assessments low in order to cheat the Administrative County out of its fair amount of rates, and when it becomes known or suspected that one County unit is doing this, others follow suit. This factor is

probably the main cause of the great disparity which exists in most places between the actual assessments on property and the statutory requirements as to fair assessment. The most extraordinary dog-in-the-manger attitude is sometimes revealed in the relations between units. Cases have been known—and quite recently—of victims of street accidents being refused admission to the nearest municipal hospital because they are not inhabitants of that particular Local Government area, and of others picked up by the ambulance of one authority, taken as far as the frontier, and no further, and then taken out and handed over to the foreigners on the other side of the frontier for conveyance in their own ambulance to a hospital in the district where the patient lives—if he is still living by the time he gets to hospital. Diplomatic alliances are made on Assessment Committees—themselves joint authorities which lie outside the normal series of units—by which one group of units combines to force up the assessments of another group. Perhaps the nearest approach to high diplomacy is reached in the treaty arranged between the County Boroughs of Leeds and Bradford, partitioning up the intervening country into "spheres of influence" eventually to be absorbed by one or the other of the two High Contracting Powers.

Besides the normal series of Local Government units there exist a number of other types of local authority for special purposes, sometimes called "ad hoc" authorities. There are groups of local authorities for rating-assessment purposes, controlled as regards this function by an Assessment Committee composed of delegates from each authority, with a few members of the County Council added. There are in low-lying and marshy areas similar bodies of delegates to undertake drainage operations for what are termed "Catchment Areas". There are the Port Sanitary Authorities and Joint-Boards of United Districts exercising Public Health functions. There are the great regional Committees directing

the distribution of electricity by the grid system under the supervision of the Central Electricity Board. There are special authorities for the London area—the Metropolitan Police (virtually a branch of the Home Office), the London and Home Counties Joint Electricity Authority, the Metropolitan Water Board, the London Passenger Transport Board, and the Port of London Authority. These special authorities, concentrating on the supervision of one type of service, are usually formed by delegates from the normal units, with sometimes representatives of private Companies and Government Departments added. When the reform and development of Local Government were undertaken a century ago, there was a great tendency to favour the establishment of these "ad hoc" authorities, which were created with no regard to the existence and boundaries of other units. This process developed to such an extent that English Local Government became, as it has been said, "a chaos of authorities, a chaos of areas, and a chaos of rates". After half a century of this type of development, there was a reaction towards gathering together all the services under general Councils for each area. Highway Boards, School Boards, Boards of Health, Boards of Improvement Commissioners and finally Boards of Guardians all disappeared, and became merged in the series of units which form the main framework of Local Government to-day. Recently there has been a tendency to revert to the "ad hoc" authority for some purposes, though rather in the form of Joint-Committees composed of delegates from normal units than of separately elected bodies. And it looks as though the "ad hoc" authority, based on the principle of joint delegation, may be still further in evidence in the future. The prospects of such a development are increased by the growing emphasis on the advantages of large areas—for the sake of economy in administration, for the sake of increased uniformity, and for the sake of the equalisation of the burdens of

municipal finance between the richer and the poorer areas. The frequent suggestions for the amalgamation of the smaller Police forces and the suggestions of the Hadow Committee on the Education of the Adolescent—with its vision of broad provincial areas for certain types of education—are examples of the trend of opinion in the direction of the eventual absorption of the compendious type of authority in a new network of federal organisations.

CHAPTER VI

COUNCIL PROCEDURE

CO-OPTION

THE Councils of the normal units are composed for the most part of members who are nominally elected by the inhabitants, though in many cases, probably in a large majority of cases, they have merely been nominated by ten local electors and have taken their seats because no other person has wished to represent the constituency. But these elected members may—and in some cases must—add to their numbers by the process of co-option, a system under which an existing body is allowed to increase its numbers by choosing additional members. The principle of co-option or co-optation is based in theory upon two different ideas, both of which aim at securing the maximum possible efficiency. There is firstly the old aristocratic notion that political intelligence is restricted to a minority of the people, and that governors selected by the intelligent minority will be more efficient than those selected by the ignorant multitude; this factor underlay the constitutions of many of the local authorities of the seventeenth and eighteenth centuries, where a "Select" body of rulers was established by statute or Royal Charter, by grant of a Bishop or of a Lord of the Manor, to the exclusion of the less capable citizens, vacancies arising in that body being filled by the "Select" few choosing other capable persons to join their deliberations. The theory of maximum efficiency underlay these creations, though in practice efficiency tended to become identified with adherence to the views of one political or religious party, and even with membership of a particular local clique united by ties of friendship or of vested interests. Secondly, there is the more

modern idea that expert advice may be made available to deliberative bodies by enabling those people who are unwilling to undertake the full duties of Local Government or to enter a local authority through the usual channels to put their experience at the disposal of the community.

The largest element in the co-optive section of unpaid administrators consists of Aldermen, and though more recently arguments introducing the second factor have been adduced in support of the aldermanic system, it was originally introduced into local authorities by considerations based on the first factor. The most enterprising local authorities of the eighteenth century were the Boards of Improvement Commissioners established by Local Act, which began their career at a time when aristocratic ideas were prevalent in Parliament. As time went on, however, and democratic notions gained wider acceptance, the tendency was for the constitutions of these Boards to become more dependent on the mass of ratepayers, and not only were the new Boards created in the early part of the nineteenth century based on a democratic system of election, but the constitutions of the older Boards were, by amending Acts, deprived of their "Select" and co-optive element. Thus, whilst the older Boards which had not altered their constitutions remained as small groups of wealthy residents who filled up vacancies by inviting selected persons to join them, the later Boards recruited their membership by elections of a modern type, without any or with very restricted powers of co-opting favoured individuals. In the new Boards of Guardians established under the Act of 1834 the power of co-option was restricted to a maximum of four members of each Board. In 1835 the Municipal Corporations, which had been in the great majority of cases co-optive bodies, were reconstructed by a great reforming statute. It was intended by the Whig Government of the time that the new Town Councils should be directly elected by the ratepayers, and that the co-optive principle should

cease to influence town government. But the Tory party opposed this change, and did its best to retain at least a large element of co-option in the governing bodies of the municipalities. The House of Lords introduced amendments which added a body of co-opted members to each Town Council; there were to be called Aldermen, and were to number as nearly as possible one-third of the total of directly elected members, so that the Aldermen would form a quarter of the full Council. The Whigs resisted these amendments, and as the Lords refused to give way, it looked as though the Bill would fall to the ground. But the Government of Lord Melbourne was anxious to get the existing Municipal Corporations cleared away, and as the parliamentary session drew towards its close the Whigs decided to yield; they accepted the Lords' amendments, and the new Town Councils began their career with a quarter of their membership recruited by co-option.

The Municipal Corporations Act of 1835 was amended by some forty different statutes during the following half-century, and in 1882 the Borough constitutions were overhauled in a consolidating Act. In the debates on the Municipal Corporations Act of 1882—which has now been replaced as regards most of its provisions by the Local Government Act of 1933—there was much argument as to the necessity of retaining this old-fashioned system of co-option, so contrary to the general democratic tendencies of the time. But the aldermanic system had become well established; on the whole there were no complaints that it worked badly, the standard of efficiency displayed by co-opted Aldermen was certainly no lower than that of the directly elected element, and additional reasons were adduced to supplement the original idea that a non-elective element was necessary to steady the wild incapacities of the representatives of the ignorant multitude, whilst it was pointed out that, after all, it was the elected representatives of the ratepayers who chose the Alder-

men, and whether the plebeian crowd were paragons of wisdom or ignorant fools, their nominees to the ranks of the Aldermen were likely to reflect the ideas and tendencies of those who chose them. And the aldermanic system held its own. Not only was it confirmed in the Municipal Corporations Act of 1882, but it was introduced into the new County Councils established in 1888, and into the Metropolitan Boroughs established in 1899. It was not, however, adopted for the Urban and Rural Districts or for the Parishes, and in the case of the London authorities the proportion of Aldermen was reduced from a quarter of the Council to a seventh.

The aldermanic system, it is argued, allows the entry into local Councils of people who, whilst willing to serve their town or county, do not relish the atmosphere of a popular election or have not the money to spend on electioneering. It is true that a man who is willing to serve on a Council can sometimes hope to obtain admission to the ranks of Councillors without a contested election if he is content to wait until one of the sitting members gets tired of the business and refuses re-election—and in most places this happens quite frequently—but in other areas, particularly where there are keen Party contests, every seat is regularly contested. There is undoubtedly a type of mentality that is kept back from public service by the conditions surrounding a popular election, and in a few cases it would be possible to point to useful members of local authorities who would never have joined in an election contest. Another argument in favour of the aldermanic system—and one which has provoked more bitter controversy than any other—is that it enables men of worth to serve their fellow-citizens in spite of the failure of the electorate to appreciate them. Men of long experience in Local Government and of outstanding talent have been rejected at the polls through such irrelevant things as their having refused to contribute to a local charity sweepstake

owing to conscientious objections against lotteries, or having had the word "not" accidentally inserted in the report of one of their speeches by the carelessness of a local sub-editor. Or they may be just the victims of the normal apathy and stupidity of the electorate or have been ousted from their seats by the veiled corruption of a local Tammany boss out to buy a seat for one of his friends. The services of such men can be retained for the community by co-option as Aldermen. The violent hostility to this argument arises in the not very numerous cases in which a member is unseated by a conscious political wave of anger against his policy. Not many years ago an active Councillor provoked strong popular opposition by the policy he carried out as Chairman of an important Committee in one of the large Administrative Counties; on coming up for re-election he was defeated by an overwhelming majority. Within a few days of his defeat, however, he was co-opted as Alderman and replaced on the Committee, which promptly re-elected him Chairman. It is this type of incident which provokes the most serious opposition to the aldermanic system, and which strengthens the theoretical argument that the system is undemocratic and calculated to flout the will of the people.

Another argument used in favour of the aldermanic system in its existing form is that it gives continuity to those Councils which have the system of triennial general elections. In towns where political Parties are fairly evenly balanced throughout the Wards, there have been cases where the whole of the elected portion of the Council has been unseated at one of these triennial elections, and where the swing of the pendulum has been delayed for some years it may so happen that the new Councillors are all novices, unacquainted with both Local Government generally and the special conditions affecting the administration of their own district. The English aldermanic system provides for the appointment to last for six years, half the number retiring at each triennial

period; hence there are always some of the Aldermen left even after the most complete electoral landslide, and these "old hands" may prove extremely useful in "showing the ropes" to the raw recruits sent up by the constituencies. When such a landslide occurred in the Metropolitan Borough of Fulham in 1934, the Labour organisation advised its newly-elected members to co-opt a proportion of the defeated Conservative members as Aldermen, in spite of their political opinions, merely to secure that there should be on each Committee someone of riper experience in Local Government business.

Anyone who is legally qualified to be a candidate for the Council is also qualified for election as Alderman, and even a newly-elected member may be immediately promoted to the rank of Alderman. A retiring Alderman can be re-elected for another six years, and so on until his death or resignation, though some Councils have made it a practice to insist on every Alderman submitting himself to the electors as candidate for an ordinary seat after his six years of aldermanic office. It is more customary to reward Councillors of some years of service by promoting them to be Aldermen than to seek fresh Aldermen from outside the ranks of the Council. This entails a by-election in the constituency that the promoted Councillor represents, and this accounts for the series of by-elections that occurs within a few weeks of the ordinary elections in many Boroughs and Counties. Where political Parties contest seats, the promotion of Aldermen is inclined to be affected by the chances of retaining the vacated seats, and on occasion a Councillor has been found to complain that he has been denied promotion merely because his election majority was small and the Party fears the loss of a seat at the by-election which would ensue. The selection of Councillors for promotion to the rank of Alderman is accompanied in very many cases by the same campaign of petty intrigue and canvassing that accompanies the selection of Chairmen of

Committees; it is a busy and worrying time for the title-hunters.

Every local authority of the normal type, from Parish to County, may co-opt its Chairman, provided that the choice falls on someone who has the legal qualifications necessary for candidature at a Council election. The Chair, however, is almost invariably regarded as a reward for long or distinguished service as a Councillor or Alderman, and it is rare for a Council to look outside its own ranks for someone to preside at its meetings. The most frequent use of this power of co-option is on the occasion of the promotion of an Urban District to the rank of Borough. To celebrate the occasion, it is sometimes held desirable to invite some very distinguished personage of the district to be the "Charter Mayor". The power of co-option does not extend to the position of Deputy-Mayor or Vice-Chairman.

The persons co-opted as Aldermen and Chairman may and do take part in all the usual activities of Councillors, except that the Aldermen do not participate in the right to choose other Aldermen. But extensive powers have been given to Councils to obtain the services of specialists on the Committees which supervise the details of the various branches of Council work. A succession of statutes empowered Councils of one type or another to co-opt outsiders to serve on special Committees, and this practice was legalised for all Committees except the Finance Committee by the Local Government Act of 1933. In most cases the number of co-opted members on any Committee must not exceed a third of the total, and in some cases the statute suggests that the co-opted members should be specially qualified to give advice on the business that comes before the Committee. Co-option is compulsory only in the case of Education Committees and Allotments Committees, though the insistence on the presence of at least two women on Maternity and Child Welfare Committees, Education Com-

mittees and Public Assistance Committees compels co-option where women are not members of the Council. There is no special qualification for co-opted members of Committees; they need not even be local residents. In practice co-option is in general use for the three Committees to which women have a statutory right of entry, but as regards the majority of other Committees very little use is made of the permissive powers conferred by statute. Members are usually unwilling to share their powers with outsiders; there is a feeling that only those who, as members of the Council as a whole, have the responsibility for the finance of the local authority, should discuss matters which involve proposals for expenditure; and there is a wholly unreasonable feeling that a person who wants to restrict his public activities to the work of one branch of Local Government is shirking public duty by exercising an unfair eclecticism. But, with the rare exception of a few cunning axe-grinders, the type of person who wants to help with the work of a single Committee usually has something useful to contribute to its deliberations; he is rarely a title-hunter, and the presence of a few people who know something about the subject dealt with would be a welcome leavening of the collection of deadheads and mediocrities who constitute the majority in most Council Committees.

COUNCIL POLITICS

The political atmosphere of a local Council is very different from that of a national legislature. It is only in the most superficial sense that it can be said that these Councils are Parliaments in miniature. It is true that they legislate within their restricted sphere, that they control a good deal of administration, that they pay and supervise a body of permanent officials roughly corresponding to the Civil Service, and that in some cases their elections are dominated by the same political Parties as participate in national elections.

But the system of working is entirely different. There is no Cabinet in a local authority; there are no responsible Ministers —though the Chairmen of Committees approximate slightly to them; there are rarely Party whips, and Party discipline, where political groups appear at all, is not always very strict; there is no systematic division into Government and Opposition; there can be no dissolution and General Election if major schemes are defeated; there is no Prime Minister, dependent on a political majority for retention of office. In the great majority of areas larger than the Parish there is not even a General Election at any time, for the usual thing is for one-third of the Councillors to retire annually. County Councils at one end of the scale and Parish Councils at the other have a triennial General Election, and so do all the Metropolitan Boroughs; but though Boroughs and Districts may adopt the triennial system, few have done so.

The relative advantages of the triennial and the annual systems of election have been much discussed. The system by which a third of the Council retires annually appears in some of the later Local Acts establishing Boards of Improvement Commissioners, and was made of national application by Hobhouse's Parish Vestry Act of 1831—though a very small number of Parishes adopted it. Its inclusion in the Municipal Corporation Act of 1835 made it the model for subsequent legislation, though the Acts of 1888 and 1894 established the triennial system for the new County and Parish units. It keeps the Council in touch with the electorate; it enables the ratepayers to condemn unpopular administration without a long delay; it stimulates a more constant interest in municipal affairs than when Council policy becomes a matter for public meetings and polls only once in three years. These are the theoretical advantages, though in practice they are largely ineffective owing to the chronic apathy of the majority of the electorate. The triennial system claims to promote greater continuity of policy,

makes the Council a more homogeneous body, and allows the adoption of bold schemes, especially in the realms of finance. Under the annual system a third of the Council lives in a state of fear, increasing with the approach of the elections, as to whether their speeches and votes may stir up some popular movement, even if confined to only a small section of the ratepayers, for with the small polls that are the rule, the active hostility of a couple of dozen electors in a constituency may lead to a whip-up of voters for an opponent that will turn the scale. There are frequent occasions when good policy demands a temporary increase of expenditure which, though at first increasing the rates, may be followed in a year or two's time by a saving. Since an increase in the rates is the best way to annoy the ratepayer, those Councillors who are due to face an election in a short time throw themselves into opposition to such schemes; many useful developments have been paralysed in this manner. There is much to be said for and against each system. Our national system of government is such that the domination of one Party for a period of years is considered essential by most parliamentarians; the same thing is not nearly so important in Local Government under existing conditions. Perhaps the most important factor in favour of the annual system is that it does stimulate a certain amount of interest in local affairs in some places, and whilst some may hold that interest to be so slight that it would make no difference if it were still further weakened by closing the polling stations for three years at a stretch, others may consider that what little interest does exist should be stimulated and not discouraged. Another point of view is that the very frequency of elections tends to make them banal; if local elections occurred only once in three years, it is argued, more interest would be taken in them when they did come along. The example of the Administrative County elections, however, is hardly encouraging in this respect. One further appeal the annual system has for the most active

members of local Councils. Municipal elections are such erratic performances that it is extremely difficult to forecast the result of a contest, and even those members who appear to be the most popular and the most firmly seated may find themselves ousted on seeking re-election. Under the triennial system they are then out of office for three years, unless a by-election happens to come along. But under the annual system a member defeated at one contest has only a twelvemonth to wait before he gets another chance to become a Councillor, and this factor is of decided advantage to the active or ambitious local politician.

Though political Parties may fulminate against one another at elections, the Party spirit is usually very much diluted in the transaction of Council business. Since most of the actual work of the Council is done in Committees, with no members of the public or newspaper reporters present, there is not the same urge for the Parties to line up for attack and defence. In discussing business round the Committee-table, members tend to put forward their individual points of view irrespective of political platforms. Formal contests on matters of principle are sometimes held in the Council Chamber, with Press and public present, but it is usually found that in most matters of discussion both parties are anxious to co-operate for the success of Council enterprises. There are, of course, some Councils where Party feeling runs high enough to lead to angry "scenes" in the Council Chamber, when the local politicians say very nasty things about one another, though these affairs very rarely reach the extreme of assault or battery. In most cases however the Parties work together in the spirit of friendly teams of cricketers ready to bowl one another out when the elections come round but hobnobbing cheerfully in the pavilion. The great majority of Councils have no Party system, for even where some local group forms an election team—an active Ratepayers' Association or similar body—many of the

members of that team are merely using the joint campaign as a means of securing their own return to the Council. Hence there is little cohesion in policy to be observed in most local Councils. In a dozen different divisions on policy to be pursued, members will be found grouped in a dozen different ways for and against. There is usually a group of waverers with no real ideas of their own who vote in accordance with their impressions of how the majority feel about the question at issue, but any member who has thought about the subject will vote as he thinks right, irrespective of what others do. There is also on these independent Councils a certain amount of personal animosity in the voting. Smith will sometimes be found voting against Brown's electricity scheme because Brown voted against Smith's library scheme. There are also chronic rebels, who almost by temperament speak and vote against anything proposed by the majority; and again, there are "public enemies" whose proposals the majority will always reject because the particular Councillor is not "persona grata" among his colleagues. An English sportsman who was taken out shooting on an estate in France is said to have been told to fire at a certain wild rabbit which the locals had christened Alphonse, his host informing him that "We always shoot at Alphonse". There are both rebels and Alphonses on many Councils.

THE COMMITTEE SYSTEM

In the Council of a small Parish it is possible for all the business that has to be done to be transacted at the ordinary Council meetings, all members being present and taking part in the discussions. But even in a Parish, when the work undertaken grows, it becomes impossible for the Council as a whole to get through all its business without long and repeated sessions. Hence arises the practice of appointing Committees of a few members to deal with particular sections

of the work, and in all the larger Councils it is customary to divide the whole number of members up into groups, each group forming a separate Committee and having allotted to it the business of one special Department. The smaller Urban and Rural Districts can manage with half a dozen Committees or less; there may be one for Public Health, one for Highways, one for general Financial questions—including rating and assessment—and one for Parks and Open Spaces. And questions which concern more than one Committee, or of a miscellaneous character, are often referred to a "General Purposes Committee". The more functions undertaken by a Council, the more Committees will be necessary; the Administrative Counties and County Boroughs have twenty or thirty of them, whilst in these large units the amount of business is so great that some of the Committees carry the process further by appointing sub-Committees to deal with particular aspects of the work of the department. The amount of responsibility and freedom allowed to the Committees varies; legally it is possible for the Council to delegate any of its functions to a Committee except the levying of rates, the borrowing of money, or the use of the official seal of the Council for its contracts. And with the increasing activities of local authorities it is becoming customary to entrust more and more business to Committees. It is, however, an understood thing that all the more important decisions shall be reported to the Council as a whole, and these major decisions are generally made provisional only, the Council being asked to vote approval before they become operative. In County Councils the Finance Committee has the right of veto over all items of expenditure exceeding a sum of £50, with some statutory exceptions, and most Councils make similar regulations as regards their own Finance Committees.

Committees are compulsory only in connection with certain statutory functions, such as Education and Public Assistance, and the compulsory or statutory Committees

reach their maximum in Administrative Counties. These units began with only one statutory Committee, to control Finance, and it was not till fourteen years later that another compulsory Committee was added for Education. This was in 1902; in 1908 there were added Committees for Allotments and Old Age Pensions; 1912 added one to administer the Shops Act; in 1913 came one for Mental Deficiency, and in 1915 one for War Pensions; 1918 saw the addition of a statutory Maternity and Child Welfare Committee, and 1919 one to deal with agricultural problems; 1925 brought two more—Public Health (including Housing) and Rating (including assessment); 1929 added the Public Assistance Committee. In addition to these twelve statutory Committees, there are also two statutory sub-Committees, one for the Diseases of Animals, attached to the Agricultural Committee, and the other for Asylums, attached to the Public Assistance Committee. Some of these Committees are obliged to co-opt outsiders. The special statutory basis of these bodies, and the presence on them of outsiders, sometimes lead to the adoption of an independent attitude towards the Council as a whole, and there has in places been considerable friction between one or more statutory Committee and the rest of the Council, which does not tend to promote efficiency. In some areas, for instance, the Public Health Committee and the Maternity and Child Welfare Committee have in their service experts on Tuberculosis and on Infant Care, but these experts never put in an appearance in the Poor-law infirmaries because the Public Assistance Committee is too independent to ask the other Committees for help.

In Administrative Counties there is one statutory Committee which stands outside the group of ordinary Committees of the Council. Police administration has in modern times been given a privileged position in Local Government. Police Committees in Counties have a statutory right to dictate their own expenditure, and no County Finance Committee

or even a full Council has the power to refuse to hand over the money required for police purposes, whilst the Police Committees of Boroughs—usually called the "Watch Committee"—are in practice really as independent. In the Counties, Police is under the control of what is called the Standing Joint Committee, consisting half of County Councillors and half of nominees of the Justices of the Peace for the County. Police matters, in fact, are universally treated as lying outside the limits of Council interference, and the local Police organisations regard themselves as far more subject to the direction of the Home Office in London than to that of the local representative body. As regards other Committees the degree of independence enjoyed in practice varies considerably; generally the larger the unit and the heavier the amount of business to be transacted the more independent are the Committees. The County Councils, which in most cases hold their full meetings only four times in a year, might almost be described as federations of independent Committees, whilst the same applies to the extremely busy authorities of the larger towns, which in some cases have deliberately encouraged independent initiative in their major Committees by getting inserted in Local Acts sections granting increased power to their subordinate bodies.

It is rather difficult to describe any particular method of doing Committee business as a type. The way in which matters are handled varies enormously from unit to unit, and sometimes from Committee to Committee within the same unit. In the case of large Councils such as those of Manchester and Liverpool, the Committees may consist of as many as twenty members, more than the total membership of a small Urban or Rural District Council; in some of the smaller units there are Committees of five or six. But though it is easy to group Committees according to size, it is impossible to group them according to methods of business, for the atmosphere of a Committee depends on so many

things—on the number of active members as compared with the passive ones, on the capacity of the Chairman, on the methods of the officials, on the traditions of the particular Council, on the business which happens to be on the agenda. Generally, though not invariably, the larger the Committee the more formal and superficial are the proceedings, for the same reasons that bring about similar results in Council meetings; if everyone wants to have his say on every item, the business will never get done, and with a long agenda it is left to the officials and the Chairman to report on the various matters and their word is accepted that the policy adopted in the recent past or suggested for the near future is all for the best. Sometimes the whole business is transacted in respectful solemnity, the members listening or going to sleep while the officials report and the Chairman puts formal resolutions which are passed with a muttered "agreed" from a few members who sit near the Chair. Sometimes the discipline of the Committee is bad; officials have to read their reports amidst a babel of little conversations between pairs of members here and there round the table, resolutions being "agreed" which nobody at the lower part of the table has been able even to hear. Sometimes, where there are two or three active members, there is a real discussion; officers are asked questions arising from their reports, new points of view are put before the meeting, and amendments to the proposals moved and voted on.

It is in Committee that the bulk of the discussion takes place, as far as members are concerned, since the greater part of the agenda usually consists of items prepared by the officials. And it is here that the distinction between the three prevalent types of Councillor—the inactive unintelligent, the active unintelligent and the active intelligent—appears most clearly. There is rarely a specimen of the inactive intelligent Councillor, for Committees are not places for formal speechifying; everyone who wants to say anything says it in ordinary

colloquial language, and though occasionally there appears a member who, while following everything closely and intelligently, is prevented by extreme nervousness from expressing his opinions, the man who understands the questions put before the meeting soon finds that he has something to say about them. The inactive unintelligent sit through meeting after meeting without once opening their mouths; the active unintelligent like to hear themselves speak on every possible occasion; the active intelligent, of whom there are far too few, remain silent when there is no call for comment and refrain from repeating arguments which have already been expressed clearly by another member, intervening only to express new points of view in a discussion or to make considered criticisms of proposals. But on a Committee, as on a Council generally, every member, whatever his capacity, or lack of it, counts as one and no more than one, and every ignorant babbler thinks himself as well qualified to express a sound opinion on every subject as the most experienced and capable persons present—in fact, the more ignorant a person is, the more omniscient he usually believes himself to be—and many a time have sound schemes which have been drawn up by experienced and skilled officials and approved by the more experienced Councillors been turned down or twisted into inefficiency by the votes of a group of the active unintelligent who have formed their raw judgments on the most complex matters on the spur of the moment and carried their points by a show of hands. But nobody on earth has yet been able to suggest a means of preventing this kind of thing, short of transferring all decision to the arbitrary will of the trained officials or educating the whole nation to demand a higher standard of Councillor than they do at present.

The agenda for Committee meetings is prepared by the officials connected with the department concerned, and rarely does an unexpected item appear from any of the members. There are the routine reports of officers, giving a

summary of work done since the last meeting and providing financial and other statistics. There are reports from officers who wish for permission to undertake repairs or subsidiary works to maintain the service in satisfactory condition, and occasionally a proposal for some major work or innovation. Officials are not supposed to initiate policy, but in nearly all cases new departures in policy do originate with them, with or without a preliminary attempt to convert the Chairman of the Committee. An adverse report from an officer on the state of some section of the department almost obliges him to suggest possible measures for improvement, and an active officer will usually find comparatively little difficulty in obtaining sanction for schemes which are not going to impose too heavy a burden upon the rates. There are usually a few letters of enquiry or protest from ratepayers who have written to the Clerk of the Council, the letters being passed on by him to "the appropriate Committee". There is usually a definite "question time" when any member may raise points for consideration, and occasionally a member will specially notify the Committee that he will bring some specific proposal in which he is interested before the next meeting. Normally Committee business is allowed to accumulate for a month before a meeting is held, but there are Councils on which some Committees meet more frequently than this, and others less frequently. To deal with special emergency business during the interval between the normal monthly meetings, any Committee may be specially called together, the procedure for this being regulated by the Standing Orders drawn up by each Council.

No legal right of entry to a Committee-room to witness the proceedings is vested in anyone who is not actually a member of the Committee, except Inspectors of the Ministry of Health, who may attend the meetings of Public Assistance and some Public Health Committees. The question has been raised whether the Clerk of the Council, as the senior

responsible officer, has not a quasi-legal right to be present in order to record the minutes of the proceedings. Though the evidence of minutes compiled by a member of the Committee would probably have less weight than the official minutes of the Clerk's department in the event of a judicial or public inquiry, the Committee can insist, and occasionally does insist, on all officials retiring from the room when matters connected with salaries or misconduct are under discussion. Some Councils provide in their Standing Orders that all members of the Council may attend any Committee as spectators; in other cases the Committee or its Chairman has to be asked for leave for other Councillors to attend; in yet other cases there is no rule laid down.

In the great majority of Councils there is one Committee that stands out as dominant, co-ordinating the work of all the other Committees, and to a certain extent controlling their activities. Sometimes this position is held by the Finance Committee, which may, under the Standing Orders adopted by the Council, be given a veto on all expenditure of money above a certain amount, and hence an effective control over most major activities. In the case of Administrative Counties this is laid down by statute; in fact, the Finance Committee of a County Council can veto, not only the expenditure of most of the other Committees, but the expenditure of any sum over £50 even when approved by the Council as a whole, certain exceptions being made as regards Police expenditure and powers conferred on statutory Committees by special Acts. In other Councils it is a more general Committee that holds the premier position, usually with some such name as "the General Purposes Committee", which may occasionally aspire to the position of a House of Lords. The supervising, co-ordinating, and controlling functions naturally fall to a Committee of this sort, just as similar functions in regard to officials fall to the Clerk of the Council. There are cases, however, where a vigorous and forceful

Treasurer has imposed his will upon a timid Clerk and secured for the Finance Committee a control superior to that exercised by the more general Committee which deals with the non-financial aspects of Council policy.

THE CHAIRMAN OF COMMITTEE

For the efficient working of a democratic local authority, the Chairmen of the various Committees occupy the key positions. On the one hand there are the officials, entrusted with the continuous work of the departments, on the other hand there are the elected representatives of the ratepayers, who are responsible for the efficiency of the services provided and for the policy followed. In every department, the Chairman of Committee is the pivot on which the whole system turns. Hence the supreme importance of selecting for these posts the most experienced and capable Councillors available. The Chairman of Committee should have a knowledge and experience of the subjects dealt with by his Committee; he should be keenly interested in the work; he should possess a high degree of intelligence and energy; and it is preferable that he should be so situated that he is not precluded by his normal daily occupations from being available for consultations with the officials at frequent intervals. His main function is to collect and present information relative to the work supervised by his Committee. He should be acquainted with the number and the functions of the staff employed by the department, and with the buildings and stock under the control of the department. He should know what works are being undertaken, how they are progressing, and what problems have arisen in connection with them. He should keep in regular touch with the financial situation of his department, and keep himself regularly informed as to how far his Committee is keeping within the estimates of revenue and expenditure. He should pay occasional visits to the depots and

other centres where the work is carried on. He should keep himself in touch with the chief officials, and be ready to enter into discussion with them on all problems connected with their activities. In short, his aim should be to put himself in a position to give an intelligent answer to questions as to exactly how the work of the department is progressing. Only by these constant activities can he become able to answer such questions. The whole Committee is entrusted with the duties of supervision, but—even with a small Committee—if every member exerted himself to make the necessary enquiries it would absorb too much of the officials' time; hence for convenience this complete supervision must be entrusted to one individual, and the Chairman is obviously the one to undertake this responsibility.

But this does not mean that the Chairman should usurp the functions of the officials or interfere in any arbitrary manner with their duties. Though an official may in an emergency ask for the Chairman's approval for some course of action, it is both unpleasant and unfair to the official to have a Councillor perpetually giving him orders, or even exercising a constant veto on his suggestions. The Chairman may advise, he may put ideas before the officials, and he may suggest schemes and solutions to problems, but if the official does not respond to the suggestions the Chairman has no right to force him to adopt methods and actions of which he disapproves. The official is paid to administer efficiently, and as long as he holds office should be given a free hand to carry out the policy approved by the Council and the Committee in the way he thinks likely to be most satisfactory. In extreme cases of divergence of opinion, the Chairman will refer the matter to his Committee, but such displays of disagreement between Chairman and official are to be avoided as much as possible. The relations between the two will depend on the temperament and character of the individuals. There are some officials who will bridle up at the most courteous and

mild piece of advice, and where there has been a long succession of years under ineffective Chairmanship, the advent of a "live wire" as Chairman may be resented. On the other hand there are Chairmen who become autocratic and overbearing, who are constantly giving orders to officials and even to the subordinate members of the official staffs over the heads of their chiefs, or who run a kind of secret diplomacy of their own—negotiating schemes with business firms and contractors without consulting the officials at all. Hence the need for yet further virtues on the part of the Chairman. He must be able to discuss affairs with his officials reasonably, frankly, good-humouredly and tactfully.

Still further qualifications are called for in the relations of a Chairman with his Committee and with the Council generally. With the greater knowledge at his disposal he should be prepared to guide his Committee into good policy. The really efficient Chairman will find an opportunity of going through the agenda with the officials before a Committee meets and thus have at his fingers' ends every point that is going to be raised at the meeting. He can save a great deal of time by giving an efficient summary of a long correspondence which has to be submitted for consideration, and by pointing out the salient features of a question submitted to the meeting. But he must be careful not to give the impression that his superior experience and knowledge give him any claim to possess better judgment than other members. The more ignorant the member, the more competent he usually feels to give offhand judgments, and if the Chairman, after spending hours studying documents and going into details with officials, finds himself opposed by some ignorant boor who knows nothing about the matter, he must beware of suggesting that it would be well for his opponent to study the question a little before venturing to express a judgment, or he will be accused of dictatorship and be referred to as Hitler or Mussolini.

It is clear that the position of Chairman of Committee calls for a high standard of capacity. In actual practice, however, it is rare to find a Chairman who possesses a tithe of the qualities necessary for efficient administration. The most that can be said for at least half the Chairmen of Committees who are found on local authorities is that they can do the honours of the Chair at the meetings very pleasantly and that after a little experience they can read out the headings of the agenda paper in the right order and ask the usual formal questions without bungling. This is not entirely due to the low standard of intelligence that characterises the majority of Councils. There are, it is true, some Committees on which it is impossible to find anyone really capable of exercising an effective supervision of the work of the department, but even where such members exist their chances of being entrusted with the job are cut into by extraneous factors which discount efficiency. In a number of Councils, especially where the Committees are very large, it has become the practice to promote Councillors to the chair on the system used for army promotions a century ago, by seniority of service, and though occasionally this does throw up a capable administrator, mere long service is no more a guarantee of efficient Chairmen than it is of efficient Generals. There have been cases of Chairmen of Committees so old, and blind, and deaf, that they have only the vaguest notion of what business has been transacted under their direction. To remedy this defect, some Councils have adopted a Standing Order that nobody is to retain a Chairmanship for more than a certain number of years in succession. On other Councils, where there is no tendency to respect seniority, the Chairmanship of each Committee becomes a subject of competition to the little army of title-hunters who, when the glory of mere Councillorship begins to pall, think to add another ring to their haloes by being styled Chairmen. Actually, few people who are not members of Councils have any idea who occupies the

position of Chairman of this, that or the other Committee on their local Council; but among the Councillors themselves the position of Chairman represents a definite promotion in rank, and though some aim at the Chair in order to lay hold of interesting work on which they happen to be keen, others are merely out for a post which will put them a little more in the limelight.

It is the practice for each Committee to elect its Chairman every year, and in those Councils where promotion does not go by seniority, the few weeks previous to the election of Chairmen are often a time of excitement for ambitious Councillors, who canvass, intrigue, and counter-intrigue with great enthusiasm. Smith is afraid that Brown will do him out of the Chair at Tuesday's Committee, but there are some who want Brown as Chairman of Monday's Committee, where Green is the rival candidate. Smith gets up an agitation against Green with a view to getting Monday's Committee to elect Brown as Chairman—thus leaving the field clear for Smith to take the Chair at Tuesday's Committee. In all this backstairs business a sociable disposition is a great asset; a man who occasionally stands drinks all round or who can on occasion take a good hand at contract bridge with his fellow-Councillors has a wonderful start if he wants to enter the running for a Chairmanship. Where such a cheerful soul happens also to be a capable man with some knowledge of the department, little harm is done; where the bright and breezy candidate is a born fool and the capable candidate has no parlour tricks, then the district suffers by the loss of efficient supervision of a department.

There are, of course, quite a number of cases where the best man wins; and where Party contests are keen, the best available men are usually appointed by the dominant Party to add prestige to its administration; but the general level of mediocrity or worse than mediocrity observable among Chairmen of Council Committees certainly suggests that the

seniority system and social intrigue between them have wrought a good deal of havoc. In the former system, it is undoubtedly a somewhat difficult and unpleasant business to vote a mild and inoffensive veteran out of the Chair to make way for a younger and more energetic man, and the longer the intervals between the changes in Chairmanship the more difficult it becomes. Some system of reserving "seats of special honour" on the General Purposes Committee, to which Chairmen of Committee who are past their prime might be "promoted", would perhaps solve this particular problem. The other trouble is more difficult to cure. A system of Chairmanship by rotation for one year only, taking precedence by seniority of service, has been suggested, but this solution—whilst cutting away the discreditable intrigues which make for so much unpleasantness—would merely ensure that for most years there would be a Chairman quite incapable of effective supervision. Possibly a good many officials would prefer an ignoramus who swallows all he is told to a live wire who may prove an interfering nuisance, but few capable officials resent the display of real interest in their work by Councillors. Besides, the intelligent Councillor is usually as courteous and tactful towards the officials as the intelligent official is towards the Councillors.

THE COUNCIL MEETING

Among the popular fallacies that die hard is the belief that an elected Councillor spends most of his official time in making and hearing speeches in the Council chamber. The same idea exists about the Member of Parliament, though there is even less excuse for such a misconception in connection with the national legislature. Council meetings occupy a very small proportion of the time of the Councillor. There is no statutory need to hold them at more frequent intervals than once a quarter, though for a long period before the Local Govern-

ment Act of 1933 came into force all Borough and District Councils had to meet at least once a month. Most of the County Councils, owing to the expense incurred and time occupied in travelling from the distant constituencies, hold no more than the statutory four meetings a year; Boroughs and Districts, which got into the habit of monthly meetings for Public Health purposes under the provisions of the Public Health Act of 1875, usually hold their meetings at these intervals; the London County Council holds a full session once a week—with a long summer vacation. Since few Councillors are members of less than two Committees—except on the little Parish Councils—whilst a good many are members of five or six, and the work of Committees is often multiplied by the creation of special sub-Committees, attendances at Council meetings are usually few compared with those put in at lesser meetings. One Councillor of Newcastle-on-Tyne, during the year 1928, put in more than four hundred attendances at Committees. And though Council meetings may at times provide examples of excellent oratory and of stormy argument, in the majority of cases the real discussion has already taken place in Committee.

It is somewhat easier to find type-groups of Council meetings than in the case of Committee meetings. Generally, the larger the Council the more formal are the proceedings, whilst the smaller the Council the fuller and more comprehensive is the public debate. This is due mainly to the fact that on a large Council, if every member wished to have his say on every matter of public interest, the business would extend over many sessions. Hence the occasionally striking phenomenon of a large County Borough Council getting all its business through in less time than the Council of a small Urban or Rural District. On most Councils there is now a time limit for speeches, as well as a series of rules for applying the closure and otherwise cutting debate short. The closure, however, is rarely applied; perhaps it is most often used to

silence a notorious rebel, one of those "difficult children" who are occasionally found in opposition to everything proposed by the majority and determined to fight every point to the last ditch. The silent message of the clock, reminding members of the last bus home, is usually a more potent force tending to expedition during the later hours of the meeting than any drastic measures of closure.

Three days at least before each meeting, whether a regular periodical meeting or a special one, each member has to be provided with a statutory notice indicating the business to be transacted at the meeting, and no decision on any business which is not thus notified is of legal effect. This does not mean that important modifications of proposals may not be carried, but no topic which does not appear on the notice of summons may be raised for the purpose of asking for a vote to be taken on it. The notice of meeting takes the form of a detailed agenda paper, which in all but the smallest districts is printed. This agenda paper, which is now usually issued in the form of a small paper-bound booklet, contains not only the proposals which are to be put before the Council for a decision but also "reports" from the Committees, to keep the Council informed of what they have done since the last Council meeting. These Committee reports vary very much in length and scope of topics. In some Councils it is a practice to report the most trivial points dealt with, with summaries of every letter received and dealt with at the Committee meeting, whilst a few of the larger Councils go to the trouble and expense of having shorthand writers present at their Committees, so that the reports presented to the Council contain a record of every member's utterances on Committee business. Perhaps the record for long and detailed reports is held by the County Borough of Hull, where the monthly agenda forms an octavo book of some four hundred pages, containing verbatim reports of debates in Committee. This kind of comprehensive record is, however, quite ex-

ceptional, and most local authorities are content with very brief summaries of the work done in Committee.

The atmosphere of most of the larger Council meetings is dignified and formal; the meetings of the London County Council and the Councils of great cities, such as Manchester, Liverpool and Birmingham, resemble the sessions of small Parliaments, the membership being over a hundred, whilst the same applies to the meetings of the Councils of some of the larger Administrative Counties. In the bigger Boroughs and in the county towns of wealthy Counties the Council chamber is spacious and well decorated; often the seats are arranged in the form of an amphitheatre, with tables in the middle of the hall for the officials. Sometimes there is a large public gallery; elsewhere a space is railed off at one end of the hall for members of the public. Business is conducted for the most part in a formal and rapid manner. The reports of Committees, which usually form the bulk of the matter submitted for consideration, are introduced by the Chairman of each Committee rising in his place and formally moving that the report of his Committee be received. This is formally carried by a few members raising their hands or by a murmur of "agreed", unless some member with a very special grievance gets up to oppose on the ground that the report is unfair or has omitted important matters—but this is of rare occurrence. The Chairman of Committee then calls out the numbered sections of his report—"one, two, three" and so on, and if nobody has any remarks to make, on reaching the end of the report he formally moves that the report be adopted, which is done in the same rapid manner. It may so happen, however, that one or two members have objections to raise on some point in the report, in which case, on the appropriate number being called out by the Chairman, a member will rise in his place and make his criticisms. When all those who wish to add comments have had their say, the Chairman makes his reply, and if a division is not

challenged he proceeds with the next item on his report. A challenge may take the form of either a division on a recommendation definitely included in the report for approval, or a motion that the matter be "referred back" to the Committee for reconsideration. Voting is usually by show of hands, but a few of the larger Councils follow the example of Parliament in arranging for a count of the votes for and against a motion as the members pass out of the Council chamber by different doors. Middlesex County Council introduced an electrical vote-recording device in 1935; by pressing one of a couple of coloured buttons opposite his chair each member can vote for or against a proposal.

Frequently a member of the Council who has some special proposal to make will formally notify the Clerk of his intention to propose a resolution and secure the inclusion of his proposal in the agenda for the coming meeting. Notifications of this kind are put down towards the end of the agenda paper as "Notices of Motion", and an interesting debate often follows. There is also usually a definite "question time", when members may call attention to minor points without consuming as much time as is occupied by a notice of motion. Questions, notices of motion, and speeches in opposition to Committee reports are often, where the Party system rules, merely public displays of opposing principles, addressed rather to the Press reporters than to the Council. Some proposals of the majority are obviously such as the minority cannot accept without sacrificing their political opinions, and these formal challenges, which rarely have any chance of defeating the motion, provide the minority party with an opportunity of keeping its views before the readers of the local newspaper. It is on these occasions that Party feeling sometimes really runs away with itself, and the result may be "scenes" which provide good copy for the local—and even for the national—newspapers.

The smaller Councils are characterised by a much greater variety of debate within a framework of almost equal

formality. The hall is in many cases small; the members may sit round a plain oblong table without the Chair being raised on any platform; in some cases there is not even a special Council chamber, the meeting taking place in a large room used for a variety of other purposes. The smaller the Council, and the smaller the population from which the membership is recruited, the less dignified and distinguished are the proceedings likely to be. There are conspicuous exceptions, of course, but the little local Council is often a subject of humorous comment which is fully justified. The classical story of the Councillor who improved on the suggestion of a gondola on the lake in the park by recommending two gondolas for breeding purposes may quite well be founded on a real Council "howler"; at any rate it can be paralleled by equally striking instances of inspired idiocy. There are some persons who regularly attend local Council meetings for the sake of the amusement afforded by the stupidities of the members, and who go away genuinely chagrined if the star comics have failed to put forth their usual display of unconscious humour. In a small Council, governing a small population, there is also a much greater tendency for decisions of Committees to be challenged on points of detail. Members who have failed to carry some trivial point in Committee will want the whole battle fought out all over again at the Council table. There are even members who, not being members of a particular Committee, want all the documents which have taken some hours for the Committee to consider read out in full session, so that the whole Council can do over again work which has already been entrusted for the sake of convenience and time-saving to the smaller group.

Contrary to a prevalent belief, there is no legal right for the general public, or even for the ratepayers, to attend a Council meeting as spectators, except in the case of the Parish Council. Even here, however, a special resolution can exclude the public, though until such resolution is formally put and carried the ratepayers of the Parish can attend

the session. But secrecy of proceedings is repugnant to the British idea of democratic government, and the great majority of Councils not only raise no objection to ratepayers coming to listen, but even provide comfortable accommodation for them in a public gallery. There are often, however, matters on the agenda which it is not wise to discuss in public; if the Council is negotiating a business contract or entering upon legal proceedings, there are obviously things which it is best to keep from the ear of the general public. In many cases tenders for important contracts are opened in the presence of all the members at a Council meeting, and should it happen that a member or an official has definite evidence that the firm that makes the most attractive offer has a bad record of business dishonesty, or unsatisfactory work, it is generally considered that such statements are better made in secret session. A public discussion on the best means of defending a lawsuit is not good policy when the tactics of the plaintiff are shrouded in secrecy. Again, public discussions on the salaries of officials and on alleged shortcomings of officials are not altogether good policy; they have been condemned both by the Onslow Commission and by the Departmental Committee on Local Government Officers, and there is an increasing tendency to take such matters "in committee". For the purpose of dealing with these reserved matters, the Council will normally resolve to "go into committee". There is no change of chairmanship for this process, as there is in the House of Commons; the Council remains exactly as it was before, but the public and Press are excluded, and no report on what transpires in Committee is given to the newspapers. Out of courteous consideration for the public, "committee business" is on many Councils postponed to the very end of the meeting, so that the spectators in the public gallery shall not have the constant inconvenience of having to go outside and come in again.

Duly accredited representatives of the Press stand in a

favourable position as regards attendance at Council meetings. The Admission of the Press to Meetings Act of 1908 gives them a statutory right to attend all meetings of local authorities until formally excluded by special resolution when "committee business" is under discussion. The privilege extends to reporters of both newspapers and news-agencies. Hence, even on those Councils which discourage the attendance of ratepayers at their meetings, the Press usually has an opportunity of providing such ratepayers as are interested with some account of the proceedings. From committee business, however, the Press is excluded. The Press privilege does not extend to the meetings of the ordinary Committees of the Council, though some of the larger authorities invite the local Press to be present even here.

The details of procedure at Council meetings are regulated by rules known as "Standing Orders" drawn up by the Council. Provided that such Standing Orders do not violate any statutory provision or right of common law there is a wide scope given to local authorities to make their own arrangements for business convenience. These Standing Orders may vary from a couple of dozen simple rules of debate to a comprehensive code of several hundred clauses, and may extend beyond the mere regulation of procedure at meetings to a detailed prescription of forms and methods for a variety of activities—for the appointment of officials, for methods of advertising for tenders, for the travelling expenses of members and officials attending conferences. The London County Council Standing Orders are often held up as a model of thorough and comprehensive regulation; they comprise more than 500 Orders, which cover more than 150 pages of an official handbook. The Ministry of Health has produced a set of model Standing Orders with a view to persuading the local authorities to adopt somewhat more uniform regulations than at present exist in different places.

THE CHAIRMAN OF THE COUNCIL

The position of Chairman of the Council is one of great importance. The Chairman presides at Council meetings, has special rights of summoning emergency Council meetings, and usually is given a seat and a vote on every one of the Council Committees. He occupies, in a sense, the position of a Prime Minister, supervising and co-ordinating the activities of the Chairmen of Committees, and acting as the spokesman for the policy of the Council as a whole. He also makes official attendances at functions in the district—the opening of new buildings, meetings for public objects, and national celebrations; he represents the town in welcoming official visitors and in paying visits to other municipalities. He is often referred to as the "Civic Head" of the district. To fulfil the duties of Chairman of the Council efficiently calls for qualities of high standing. The Chairman should be of keen intelligence and activity, possessed of administrative experience and skill, a good public speaker. Though naturally not going into the detail of departmental work that concerns a Chairman of Committee, he should make it his business to be well acquainted with the main lines of activity which the local authority is following, and with the major problems of the district. He should have some knowledge of similar problems and activities in other parts of the country, particularly with those of adjacent authorities. The ideal Chairman is a capable statesman, whom the citizens can respect, even though they may not all agree with his policy.

The Chairman need not be an elected member of the Council, though he must be possessed of the qualifications necessary to become a candidate for the Council, that is, he must be a local elector, landowner or resident. He is elected for one year only, but may be re-elected as often as the Council see fit. In County, Borough, and District Councils he is invariably appointed a Justice of the Peace for his year of

office, and in Boroughs he has the privilege of remaining a J.P. for a year after his retirement from the Chair. County and Borough Councils may pay their Chairmen a salary, in order that the expenses of entertaining and contributing to local funds shall not put an undue burden upon his private finances. In all Boroughs the Chairman of the Council is given the title of Mayor, a few of the older and larger towns having by royal charter the right to call their Chairman by the title of Lord Mayor, whilst in the ancient cities of London and York the Lord Mayor has the exceptional privilege of being a Privy Councillor during his term of office. In those Boroughs where the Justices of the Peace hold sessions, the Mayor always presides at the court. In practice, an outsider is rarely elected Chairman, and this is as it should be, since administrative experience within the local area is essential for effective office. The amount of salary of a Mayor or County Chairman is not fixed, and varies from place to place—the sums vary from £250 a year up to £1200—with a few special exceptions, such as the egregious case of the Lord Mayor of London, who draws a salary of £15,000 a year, every penny of which is absorbed in the lavish entertainment of the ancient Corporation. The Onslow Commission recommended that the power to pay the Chairman a salary should be extended to District Councils; the absence of this power creates a tendency to appoint wealthy rather than efficient Chairmen, for the Chairmanship almost always involves a certain amount of traditional expenditure on entertaining visitors and contributing to the funds of local clubs and charities.

As might perhaps be expected from the very indifferent quality of the personnel of the elected element in Local Government, the really efficient Chairman is a comparatively rare phenomenon. In a great many Councils—probably the large majority—the Chair is taken by rotation, according to the length of service on the Council of the senior members,

so that it rarely falls to one Councillor or Alderman to be Chairman for more than a single year. In some places it is customary to make the tenure of office normally two years, in others three. In Councils elected under the Party system, the Chairman is almost always a member of the dominant Party on the Council. There is always felt to be a danger in electing the same man year after year, since it is somewhat unpleasant to eject him when by age or loss of interest he ceases to be as efficient as some of the other members. Hence it is rare to find a deliberate selection of the best candidate for office or for a worthy leader to be retained as head of the authority for a number of years in succession. Very frequently the chairmanship is made the object of the same kind of intrigue as vitiates so many Committee Chairmanships. The Chairman is so much in the limelight; he attends all kinds of functions in the district; he is called upon to make speeches here, there and everywhere; he is introduced to distinguished visitors; he is photographed by the Press; the local newspapers are full of his doings; he is usually provided with a rather gorgeous chain of office, and if a Mayor, usually with an impressive scarlet robe and three-cornered hat—he may even be escorted on official occasions by beadles and mace-bearers. Except in the Parish Council, he can write J.P. after his name, and can attend sessions of the Court and look wise and tell his friends all about his important duties as a magistrate, and how he punished this scoundrel or showed clemency towards that deserving case. And in Boroughs he gives excellent luncheons and banquets at the ratepayers' expense, and on occasion may run a "Mayor's Parlour" at the Town Hall, and bask in all the glory that surrounds those who can afford to stand free drinks to Councillors and visitors. Furthermore, if the ambitious title-hunter can only manage to become Mayor for the year when some spectacular event is due to take place—the state visit of royalty or the completion of some constructive work of more or less national im-

portance, such as the opening of a great new bridge—he may be able to secure a knighthood or an O.B.E.

Hence the appearance under the cocked hat of the Mayor of so many empty heads. It cannot be too strongly emphasised that there are, here and there, really splendid Mayors and Chairmen, real statesmen of whom their districts are genuinely proud, but anyone who has attended mayoral functions to any extent in different parts of England can bear testimony to the appalling dead level of mediocrity that characterises the "Civic Heads" of our towns. When, after a sonorous major-domo has commanded "Silence for His Worship the Mayor", a wooden-faced individual stands up and reads out a speech that has been written for him—incidentally bodging at the stops and running the sentences into one another—the impression left on the public is far from edifying. However, the basic weakness lies further back than in the people who elect the Chairman; it is the people who elect the people who elect the Chairman who are really responsible for the low standard of statesmanship displayed so conspicuously at the top of the civic hierarchy. Often the great majority of the electors are unaware of the very name of their Mayor or Council Chairman, and of those whose knowledge of matters municipal rises to this height very many are prepared to accept a congenital imbecile as "Civic Head" provided his purse is long enough to provide handsome donations to their football and cricket clubs, their charity bazaars and their children's school-treats.

Along with the Chairman, there is elected each year a Vice-Chairman, who fulfils the functions of the Chairman in the absence of that dignitary. In many Councils it is customary to regard the Vice-Chairmanship as a preparatory stage to the occupancy of the Chair, the office being filled by rotation of seniority as in the case of so many Chairmanships. Boroughs have their own little code of law in this matter—based on the Municipal Corporations Acts of 1835 and 1882

—and the Deputy-Mayor, as he is called, may take the Chair in the absence of the Mayor only by a special vote of the Council. Should neither Chairman nor Vice-Chairman be present at a Council meeting, the members proceed to elect an Alderman, or in the absence of Aldermen, a Councillor, to preside at that particular meeting. Whoever occupies the Chair of a meeting has a casting vote in the case of an equal division on a motion, and may even on occasion exercise two votes, once when the motion is put and a second in the event of that vote proving equal. The London County Council, with its weekly meetings, provides itself with two Vice-Chairmen—one of them styled the Deputy-Chairman—since with such frequent meetings there is more likelihood of both Chairman and Vice-Chairman being absent together.

A very recent development in Local Government has been the occasional appearance of women as "Civic Heads" of municipalities. During the nineteenth century there was a good deal of legal controversy as to whether women were qualified by law to serve on local authorities, and still more controversy as to the desirability of their taking up municipal work. In recent years, however, apart from the statutory presence of women on some of the Committees by process of co-option, women have entered municipal life to a considerable extent. The Sex Disqualification Removal Act of 1919 put them on exactly the same terms as men in Local Government, and there are now several thousand women Councillors in England, though there are rarely more than one or two on any individual Council. Women Councillors are, generally speaking—the humorist will omit the comma—of a higher average capacity than the men Councillors. This is due mainly to the fact that few women will take the trouble to enter municipal life unless they feel that they have a real mission to strive for the good government of their district. Those who have reached the dignity of the mayoralty have certainly carried out the duties of their office with conspicuous success.

CHAPTER VII

THE FINANCIAL BASIS

COUNCIL REVENUES

ONE of the numerous popular fallacies about Local Government is that all its expenses are paid out of the rates. Even ratepayers themselves are often found to hold this belief—possibly a majority of them. But nowadays the levying of rates provides only a part of the revenues of local authorities; in fact, of all the money poured into the local Exchequers not very much more than a fourth part comes from rating. It is indeed a mighty sum that nowadays goes to feed the Local Government of England. The total revenue of the local authorities comes to about £750,000,000 a year, which is estimated to be somewhere about a seventh part of the total revenue of the people who live in this country. Another way of putting it is to say that Local Government costs about £20 per head of the population, or about two pounds a week for a family of five. In normal times about a fifth of the total comes from loans, which have to be paid off out of the other sources of revenue in subsequent years; the total debt of this kind now written against the names of local authorities amounts to more than £1,500,000,000—which entails an annual burden of repayments amounting to some £115,000,000. The total revenues may be divided into five classes: the rates bring in about 200 millions; Government grants about 250 millions; municipal trading enterprises about 180 millions; loans produce about 100 millions;* rents of municipal property and miscellaneous items such as market and harbour dues make up a sum of about 75 millions. Two of these groups are somewhat delusive; the loans entail a future series of repayments drawn from other sources of revenue, whilst

* In wartime the figure for loans falls considerably. In 1941–2 it fell to 25 millions. All the other figures are from the latest full statistics—published in December, 1945.

the profits of municipal trading are completely absorbed in the costs—in fact there is usually a deficit of about a million which has to be made good out of the other revenues.

Writers on Australia tell us that some of the primitive tribes of Bushmen are incapable of counting up to more than a very small number, and that some of them possess but three numerals in their language—one, two, and a lot. The ordinary citizen accustomed to deal in figures which rarely exceed a few pounds, and which are more often to be reckoned in shillings or pence, finds it difficult to get much more meaning out of huge figures like those of the Local Government revenue totals than the Australian Bushman's "a lot", though possibly the debt total of £1,500,000,000 may suggest "a Dickens of a lot"—or some parallel expression. These figures, however, are useful for purposes of comparison one with another, particularly as showing the proportion that rates bear to other sources of revenue. The enormous and ever-growing total of Local Government expenses has created alarm in some quarters. Sir Ernest Benn has forcibly expressed the views of this party in his *Account Rendered*, where he pillories Local Government alongside of Central Government as recklessly extravagant and as leading the nation down the slippery slope to bankruptcy and ruin. The same feeling had made itself manifest to a lesser degree in the Committees that have reported to Parliament on the subject of economy during periods of national economic crisis, and on such occasions departmental circulars have impressed upon local authorities the need to curtail expenses as much as possible. This was particularly noticeable at the time of the great economic crisis at the end of 1931, though even at that time the effect of the exhortations to economy made a very small relative reduction in local expenditure.

Another widespread fallacy regarding Local Government finance is that the Councils that collect the rates are always

responsible for the whole burden which the rates entail and spend the whole of the proceeds. This is true of most County Boroughs, which are self-contained units, though a small portion of the revenues of some of these may be payable to a joint body which extends beyond the limits of the Borough. But outside the County Boroughs there is always a division of the spoils between at least two authorities, and usually more than two. Only one authority in each area is allowed to collect the rates, but the imposition of the rates which this authority has to collect is decided, outside the County Boroughs, by more than one authority. Where the rate-collecting authority has to pass on some of the money to another authority, the amount required is specified in an order known as a Precept; hence an authority which can impose a rate without being able to collect it by its own officers is called a Precepting Authority. The rate-collecting Councils, technically called Rating Authorities, are the Borough Councils of both types, and the Urban and Rural District Councils. In a Rural District there are often four or five local authorities to share the money paid out to the officials of the Rural District Council—the collecting Council itself, the Parish Council, the County Council, the Assessment Committee for the area, and perhaps a joint Burial Board dealing with a group of parishes. The same group of rate-sharing bodies, omitting the Parish Council, may come into play in the case of an Urban District or a Non-County Borough. In London, the Metropolitan Borough Councils collect rates for themselves, for the London County Council, and for the Metropolitan Police Commissioners.

THE RATES

To the ratepayers, whether they realise the existence of other sources of municipal revenue or not, the rates are the important source of supply for Local Government services.

They are a source of constant irritation and complaint, due mainly to the fact that they vary, not only between area and area, but between one year and another in the same area. There is a conscious effort in some Councils to get a stabilised rate, one which never varies in severity, and the main argument in favour of the idea is that popular discontent will be thereby much reduced. But a stabilised rate is difficult of achievement. The tendency of all Councils is to spend up to the limits of the money available, and when emergencies calling for heavy expenditure arise, there is a great unwillingness to reduce the services which have consumed the whole of the stabilised amount in normal times. Furthermore, a local authority is not allowed to hoard, except under certain circumstances for the purpose of paying off loans; normally, a good surplus at the end of one financial year must be applied to a reduction of the rates for the next year. Again, the tendency of modern legislation is to increase the duties, and with them the expenses of local authorities, and this inevitably forces up the rate from time to time. In 1885 the average rate collected in England was 3*s.* 6*d.* in the pound; ten years later it was 4*s.* 2*d.*; ten years later still it was 6*s.* 0*d.*; at the beginning of the First World War it was 6*s.* 11*d.*; in 1925 it was 11*s.* 9*d.* By the year 1944 it had increased to 13*s.* 9*d.* The additional burdens entailed by the Education Act of 1944 and schemes of post-war development are reckoned likely to enhance the average rate to a figure approaching, if not surpassing, 20*s.* in the pound.

"The rates" may be described as a tax levied upon "real property"—land, houses and buildings—according to the value of that property. Like the Income-tax, the local rate is levied on a percentage of the total revenue value of the property, expressed as a levy of so much in the pound. But a cardinal distinction between the Income-tax and the rate is that whereas the former is levied on all sorts of valuable property—salaries, revenues from investments, rent-receipts,

and the estimated annual value of land and buildings—the rate confines its attention to land, the fixtures on land—mainly buildings—and valuable rights arising out of land. The reason why this local taxation is confined to one group of profitable possessions is almost entirely historical. Though rates of various kinds were levied in a good many mediaeval towns for one purpose and another, the first regular national rate was the Elizabethan poor-rate, which was established at a time when land was still the main source of wealth of the English nation. What appeared to be the simplest and the fairest way of collecting the money required for the poor-law was a levy on the value of landed property, and the persons who were actually enjoying the use of the property, the occupiers, were selected as the appropriate persons to pay rather than the landlords who owned the property. There was, however, in those early days of rating, no clear legal rule on this point, and many parishes levied rates on other forms of wealth, assessing people on their general affluence or on the stock kept on their farms or in their shops. A series of legal decisions in the Courts, however, gradually narrowed the basis of assessment to the annual value of the land and its fixtures, though local variations existed in some parts of England right into the nineteenth century. It was not laid down by statute that a tradesman's stock-in-trade should be exempt from rating until the year 1840, though by that date a series of conflicts and lawsuits had driven this system of assessment out of use in almost every part of the country. When other rates came to be added to the poor-rate it was found convenient to use the existing assessments for them, and the old Tudor method of rating and assessment was thus handed on to the twentieth century and is still the basis of our rating system.

In recent years the whole system of rating has been subjected to criticism as illogical, antiquated and unfair. It is argued that there is no logical reason why the burden of

paying for most of the Local Government services should be made to fall on one particular type of profitable possession. The Army and Navy and the Police Forces are provided mainly to protect the people from violence and loss of property from external and internal enemies; why should the support of the soldiers and sailors be spread over the community generally while the support of the police is placed as a special burden on the holders of real property? The Labour Exchange and the Public Assistance Institution both deal with destitute people; yet the former is a charge on the national Exchequer and the latter is a matter for local rates. The panel patient who goes to the doctor to consult about an illness is a matter of financial concern to the central Exchequer; the sufferer from tuberculosis or from small-pox is assisted at the expense of the local rates. Is there any sound logic in this series of variations? The vast majority of Local Government activities are of really national concern. The maintenance of Public Health and of an efficient highways system, the provision of facilities for education, from the elementary school up to the University, with the subsidiary question of library services, the prevention and relief of destitution, the maintenance of order by police measures, the seclusion and treatment of the mentally afflicted; these and many other services are matters of national interest and concern. In many of these services there is a legal minimum enforceable throughout the nation; serious deficiencies in local areas react unfavourably on the condition of the nation as a whole. Even in such a matter as street lighting, though the major part of the benefit goes to residents in the immediate vicinity, it may be taken as true that an Englishman expects to find adequate lighting in the thoroughfares of every urban centre that he has to visit for purposes of business or pleasure. It is, in fact, rather hard to find much in the way of activities that is of purely local interest and concern. Perhaps the most definitely localised of municipal activities are those connected with

merely pleasurable amenities—the provision of ornamental parks, concerts and entertainments, and tennis-courts, bowling-greens, and bathing-pools. But even here it may be argued that the provision of facilities for sports and games, musical and dramatic culture, and even such relaxation as is afforded by the offer of beautiful flower-gardens and seaside concert-parties, is a matter of national interest.

It is also pointed out that the whole community enjoys the benefit of most of the local services, even though householders may be on the whole more affected than others. It is a special convenience to the ratepayer to have his house refuse collected and taken away, but the evils which spring from accumulations of household refuse affect everyone who lives in a house, whether he is the responsible occupier or only a lodger. Educational and medical services are available for all, irrespective of whether they are owners or renters of houses and buildings. A safe and smooth road surface is as important for the traveller on a penny bus as for the owner of a Rolls-Royce. The amenities of street lighting, public parks, playing-fields and municipal orchestras are at the disposal of everyone. Yet it is one special class, the people in possession of real property, who are singled out to bear the first charge on the local Exchequer for all these services. Again, the present rating system, and in fact any rating system based on real property, gives opportunities for enormous inequities in incidence, and the present system possesses to some degree a notorious characteristic of bad taxation in that it bears heaviest on those least able to pay. In the case of the national Income-tax, all very small incomes are totally exempt from contributions. But no such exemption is allowed in the case of rating, however poor the tenant of a cottage. It is true that the percentage of levy is reduced to a very small amount in the case of the smallest and cheapest type of dwelling, but a man who is living at bare subsistence level will find the imposition of even a few shillings of rates a disaster. It is safe

to say that the larger sums collected from the occupiers of big houses do not inflict as much economic hardship upon those who have to pay as the little sums collected from the tenants of the small cottages, whether paid directly or through an inclusive—but thereby enhanced—rent to the landlord. Furthermore, though as a general rule the wealthier people do live in big and highly assessed houses, the type of residence occupied does not necessarily bear any relation to the wealth of its occupant. A millionaire who retires to a peaceful country life in a tiny rural cottage pays less in rates than many labourers who inhabit the mean houses adjoining the factories in which they work.

A further objection to the present rating system, which does not necessarily lead to the extreme of suggesting a total abolition of rates, is the inequalities of burden as between different districts. The assessments being based upon the value of real property, it is obvious that a district in which there is a large amount of very valuable property can raise the same amount of money for purposes of Local Government by levying a lower rate in the pound than is necessary in a district where the property is of a poor type. The County Boroughs of Bournemouth and South Shields are of approximately equal population, but whereas the rateable value of Bournemouth is approximately two million pounds, that of South Shields is little more than half a million. Other County Boroughs of much the same population as these two towns are Southend, Blackburn, Preston and Gateshead; the rateable value of Southend is about one and a half million, that of Blackburn about three-quarters of a million, that of Preston three-quarters of a million, and that of Gateshead just over half a million. Hence, with approximately the same number of people to provide for, each of these Borough Councils has a very different amount of wealth to draw upon for its services. If some scheme costing £8300 is proposed in Bournemouth and also in South Shields, the former town

can raise the money by levying a penny rate, whilst to raise the same amount of money South Shields would have to increase the rates by threepence halfpenny. But this is not all. The poorer the town, the more its services are likely to cost, for in a needy area there will be more children sent to the free schools instead of to private schools, more people who go to the Public Health services for treatment instead of to their own doctors and paying fees, more paupers to maintain. Hence the poor area is hit in two ways; it has more services to provide and a smaller rateable value to draw funds from. The classic examples in London are the City of London and the Metropolitan Borough of Poplar, but although there is still a wide margin of difference, the City has to provide certain services for a huge day-population. A sounder comparison is that between Poplar and Hampstead; Poplar, with a population of about 150,000, has a rateable value of three-quarters of a million, whilst Hampstead, with about 90,000 population, has a rateable value of a million and a half.

From an old-fashioned and short-sighted point of view there is nothing wrong about this state of affairs. Just as poor countries have to make do with a lower state of development than wealthy countries, so poor towns and counties and parishes have to cut their cloth according to their purse. And in the days when the value of most of our modern Local Government services was very little appreciated, there was little objection to the curtailment of public services in a poor area. The main object with most people at that time was to keep the rates as low as possible, irrespective of the services provided. Hence a poor area simply went without the extended services available in some of the more prosperous towns, and few people grumbled about it. But when Government Departments began to put pressure on local authorities to raise their services to a national minimum of efficiency, and a slow-developing public opinion began to demand the

services for their own value, the inequality of burden as between rich and poor districts became a grievance, and during the latter part of the nineteenth century this grievance became more and more vocal. Various schemes were suggested for reform, ranging from the amalgamation of poor units with neighbouring rich units to the transference of the entire burden of local services to the national Exchequer. But in spite of much discussion, very little was done to improve the situation for the poorer areas. The main attempt at relief came with the gradual extension of the system of grants-in-aid from the national Exchequer, though the chief importance of this development lies rather in its partial relief of the occupier of real property than in its partial relief of the poor areas. In fact, though some of the Education grants benefited the poorer areas more than they did the richer ones, many grants were so arranged that the more a local Council spent the more it got from the national Exchequer. And this still further added to the already great inequality between areas.

Another series of reliefs was afforded to many of the poorer units by the imposition of the burden of new services in many instances on the Administrative Counties. It is often forgotten by the ratepayers of the wealthier County Districts, when they grumble at the burden of the County rate and complain that they get less out of the County than they pay for, that that is exactly what they are intended to do. If the County services were left for each County District to provide for itself, the richer places would get their services cheaper, but some of the Districts would get no services at all, since their financial resources would not stand the strain. But this spread over the Administrative Counties of the burden of the newer services brings no relief to the existing County Boroughs, which in some cases can meet their responsibilities only by piling up the rates to a figure approaching, and occasionally exceeding twenty shillings in the pound. The only district where a special attempt to do something to

equalise rates has been put into execution has been the London area. As early as 1870 the London Poor-Law Unions agreed to combine to run their infirmaries and hospitals on a common rate, when the London Common Poor Fund was established. In 1894 this process was carried a step further by the London Equalisation of Rates Act, which levied a general rate over London which was distributed according to the number of paupers maintained by each Union. The contribution per pauper was increased to three times the former amount in 1921, when a serious unemployment crisis fell upon London. The transfer of Poor-law administration from the Unions to the London County Council in 1929 placed the whole burden of this department on a common rate. The new system of grants-in-aid established by the Local Government Act of 1929—a system which was to be introduced gradually, and not completed until 1947—for the first time introduced a really comprehensive scheme for equalising the burden of local services. Exactly how far the pressure on the poorer areas will be relieved when the scheme is in full working order remains to be seen.

The advocates of the abolition of rates are always challenged by their opponents to suggest a workable substitute for the present rating system. The most obvious answer is to propose the transfer of the whole local burden to the ordinary taxes, so that the Government would find the funds for the services at present supported from rate funds out of the supplies provided for in the Budget—from Income-tax, Excise, Customs Duties and the other usual sources of national revenue, without necessarily earmarking the proceeds of any particular tax for Local Government purposes. A second suggestion is that the local Councils, instead of collecting rates on real property, should levy taxes based on similar principles to those adopted for national taxation—mainly by means of an Income-tax. To set up a separate assessment machinery for Local Government purposes would be an

obviously wasteful duplication of effort, and it would certainly be the assessments already made for national purposes that would form the basis of Local Government assessments if such a system were adopted. One incidental difficulty of the allocation of the new taxation revenues to local authorities would arise from the case of the person who has property in more than one area, from the simplest case of a man who has a house in the country and a shop in town up to the case of the big firm with branches in several dozen towns. Doubtless this would not prove a very serious problem; a working system of allocations would soon be devised for cases of this kind. The more serious objections to these schemes arise from the postulate that the whole control of Local Government would naturally gravitate to the central Departments.

The conversion of local expenditure to a charge on the national Budget would certainly sound the death-knell of local autonomy. The crux of the problem would lie in the way in which the local authorities would draw on the fund created by the national taxes. Since the cost of municipal services would be spread over the whole country, it would be to the advantage of each separate unit to get as much as possible out of the common fund. During the economic crises of recent years various Governments have attempted to relieve unemployment by making grants of national money to stimulate the local authorities into undertaking works on a large scale. A Council that fell in with these schemes reaped the advantage of getting work done at a very cheap price to itself, in many cases about half the total cost being borne by the national Exchequer. The inhabitants of an area the Council of which took no action under these schemes would still have to pay their share in the national taxation required for the subsidies without getting any share of the cheap works. Hence enterprising Councils were tumbling over each other to get as many schemes as possible carried out at the expense

of the central fund. Exactly the same thing would happen under the system of national financing of Local Government generally. Council activities are now strictly limited by the unwillingness of the ratepayers to shoulder heavier burdens; even the unemployment grants schemes were limited by the amount that the local ratepayer was willing to pay as his share of the cost, even though he knew he was getting the work done at half price. Under a normal system of central taxation for local purposes the decision of the central Department, say, to release money from the central fund for reconstructing the sewerage system of one town would inevitably lead to petitions and agitations on the part of a host of other towns that considered their own case equally deserving, and there would be constant friction and ill-feeling. The only satisfactory method of distributing such central funds over the local areas would mean the complete transference of control over all the major factors of supply from the local to the central authorities. It has been argued that this would not be a serious disadvantage, even if it were not "a consummation devoutly to be wished". The extremely important services provided by the G.P.O. are carried out in the local areas with practically no objection or friction as regards the local residents; occasionally a body of local residents will petition the Postmaster-General for a new pillar-box or a telephone-kiosk, but there is no outcry that the Department is guilty of favouritism between different areas. The central Departments would certainly evolve definite principles for allocating increased services to the various districts—the provision of pipe-sewerage for areas with a certain minimum density of population, library facilities for towns with a minimum population—and the *ci-devant* ratepayer would be as apathetic and ignorant of what was going on as he normally is at present.

But the case for a substitution of other forms of taxation for rates within each separate local area rests on stronger

grounds. The most usual proposal is that of a local Income-tax, based on the same assessments as are used by the Income-tax Commissioners for national taxation. Copies of these assessments could be supplied by the central authorities in the same way that copies of rating assessments are supplied to the central authorities by local Councils to-day for purposes of Income-tax. The ordinary Income-tax for national purposes and the local Income-tax could be collected simultaneously, the local authority paying a contribution to the national Exchequer as payment for collection instead of having to run its own rate-collecting department. There would still be the responsibility of the Council for economical administration, since the rate in the pound of the local Income-tax would depend on the demands of the local authorities. The very poor would be relieved of a burden which, though absolutely small, is relatively heavy, and the wealthy would pay according to their wealth and not according to the type of house they choose to occupy.

But schemes for the substitution of other forms of taxation for the rating system have met with little support. A sudden change-over from a system that has been in force for more than three centuries would involve an enormous amount of organisation and temporary dislocation of revenues. The fact, too, that as recently as 1925 the whole system of rating and assessment was thoroughly overhauled and established anew, with considerable trouble and effort on the part of both the Ministry of Health and the local authorities—involving the creation of a large number of new local authorities —Assessment Committees, County Valuation Committees and the Central Valuation Committee—makes it much harder to advocate the introduction of a revolution in our local taxation methods. A partial step towards the abolition of rates has been taken, for quite extraneous reasons, in the derating sections of the Local Government Act of 1929, and the experience of the working of these sections has sug-

gested yet another possible defect of schemes to relieve the poorer ratepayer by reforms in local taxation. The farmers who were relieved of the duty of paying rates under the 1929 Act were mostly occupiers and not owners; when they came to renew their rent agreements, many of them found that their landlords took up the attitude that as the farmers had managed to afford to pay the old rent plus the old rates, they could now afford to pay a new rent which would be increased from the old by the amount, or by nearly the amount, of the former rates. If the tenants refused to pay this enhanced rent, there were other farmers who were prepared to take over their farms and run them at the old pre-1929 rate of profit, paying the higher rent. The advantage of the abolition of rates on agricultural property went in these cases, not to the farmers, but to the landlords, and it has been suggested that if rates were totally abolished, the same factors might come into play, particularly as regards those poorer people whose burdens would be momentarily lightened by finding themselves below the minimum income for assessment to the new local tax.

One of the most hotly debated questions of the present time is that of the fairness of rating assessments. At each periodical revaluation there appear a host of objectors indignantly denouncing the excessive assessments which they believe to have been imposed upon them. This army of objectors is continued from year to year by a smaller body of objectors who keep Assessment Committees busy with their intermittent appeals against new or existing valuations. This is all the more surprising in that the basis of valuation for rating has been clearly laid down by statute since the year 1836. The Parochial Assessments Act of that year declared that the figure at which each property should be assessed should represent the estimated fair rent of the property at current market values. From this gross figure deductions were to be allowed to cover the necessary cost of repairs and

maintenance to keep the property from declining in value, including the cost of insurance against fire or flood. Thus the nett rateable value was to be the gross estimated fair annual rent minus the annual cost of repairs, maintenance and insurance. The gross figure need not coincide with the figure of rent actually being paid. Some people are fortunate enough to be paying less than what the house would bring in if offered through the agents; others are paying an excessive rent; the Rating Authority, however, has to estimate, from all the circumstances of the case, what may be considered a fair market rent, which would normally be the maximum amount that might reasonably be expected to be offered for the property by a "hypothetical tenant". This principle of valuation has been confirmed in the Rating and Valuation Act of 1925, now the basis of the present system for all areas outside London, which works under its own Valuation Act of 1869 and its various amendments. The 1925 Act, however, following the practice of London, established a fixed scale for estimating deductions for repairs and insurance, varying from two-fifths of the gross value on the smallest houses up to a figure approximating to a sixth of the gross value for the largest premises. The London system of 1869 made provision for a complete revaluation of all properties every five years, and this was extended all over the country by the Act of 1925. New properties are valued on completion, whilst at any time a revaluation may be made of individual properties.

But even to-day, in spite of the creation of new machinery in 1925 for producing uniformity of assessment throughout England, there are great diversities between different areas, and even greater diversities in the assessment of different properties in the same area. This is not due, as might at first be imagined, to any serious difficulty in estimating the fair market rental of properties. The outstanding failure of the present system is an almost universal tendency for Rating

Authorities to assess the properties of their areas at far too low a figure. The gross rateable value is supposed to represent the fair market rent; in the vast majority of cases, if the ratepayer looks at this figure and compares it with the rent he is actually paying, or—if he is the owner—asks himself whether he would be satisfied with that amount as rent from a tenant if he were to decide to let the place, he will find himself ridiculously under-assessed. This habitual process of under-assessment is due partly to a desire on the part of Rating Authorities to avoid appeals and controversies as much as possible, a systematic policy of "erring on the right side" as far as concerns the ratepayer. But it is due still more to a deliberate policy of what can only be described in blunt language as cheating. In all areas outside the County Boroughs the rates have to be divided up between two or more different local authorities—the County Councils and the Borough and District Councils being the most important participators in the proceeds of the rates. But the assessments on which all the rates are based are the same, and these are in practice almost always fixed by the Councils of Boroughs, Urban Districts and Rural Districts, the supervising Assessment Committees revising the local assessments only in cases of appeal and objection raised by protesting ratepayers. It matters little to the Rating Authority when considering its own local rate whether the assessments are high or low—there is a certain amount of money to be got in for the Council's expenses and if the assessments are doubled the rate can be halved, and vice versa. But in these units a major portion of the rate collected has to be sent to the County Council, and the higher the assessment the more money naturally goes out of the district to the County town. This provides the Rating Authority with a strong temptation to keep the assessments as low as possible. Within any large county some unit is sure to effect this local economy sooner or later; then, when people in other areas get to know that they are being charged

the full fair rate whilst their neighbours are being undercharged, they naturally want to cut down their own assessments. And every such unit that systematically under-assesses cuts away revenue from the County Council and thus forces the County to increase the rate to compensate for the low assessment. It may safely be said that if all areas were fairly assessed, according to the principles of the 1925 Act, the County rates of England would stand at a conspicuously lower figure than they do to-day.

But this is not all. When the Income-tax authorities want to assess premises for their own purposes, they simply borrow the figures of value compiled by the Rating Authorities; hence the higher the local assessment the higher the Income-tax paid by property-owners in the district. And in quite a number of areas there is yet another consequential burden to consider. Water companies and electric light companies often base the whole or part of their charges on the rateable value of the premises supplied. In many districts the general rise in assessments which follows one of the quinquennial revisions is a magnificent gift to the water companies, the water-rate (which is a distinct affair altogether where water is supplied by a company) going up automatically with the official rateable values. Whether the members of local Councils are large property-owners or small, whether they are owners or occupiers, whether their pockets will be hit by the County rate, by the water-rate, or by the Income-tax—or by all three—the temptation to keep the assessments as low as possible is always there. Even some of the County Boroughs, where the Administrative County counts for nothing, rejoice in the most astonishingly low assessments, which is fortunate for the ratepayers but less fortunate for the Income-tax Commissioners.

The Rating and Valuation Act of 1925 attempted to establish the means of checking this tendency to diversity of assessment. Three new institutions made their appearance.

The Counties were divided into sections, each comprising several Rating Authorities, and each section was placed under the supervision of an Assessment Committee, composed of delegates from the constituent authorities, with delegates of the County Council added. All assessments made by the separate Rating Authorities have to be confirmed by the Assessment Committee, and the intention was that the pressure of the rest of the delegates might prevent any individual unit from unduly lowering its assessments, since the less paid to County funds by one unit, the more burden must be placed on the others. There are also Assessment Committees in the County Boroughs and Metropolitan Boroughs, but these hardly fulfil the same kind of function in this respect. In each Administrative County there is also a County Valuation Committee, an assembly of delegates from all the Assessment Committees in the County, along with representatives of the County Council. The main function of this body is to secure uniformity of assessment within the County. Finally there is a Central Valuation Committee in London, a somewhat complex body of nominees, which is intended to co-ordinate the activities of County Valuation Committees all over the country and secure a national uniformity of assessment. The attempt to produce uniformity by means of these new bodies has met with little success. In some quarters there is almost a feeling of despair at ever getting fair and equalised assessments as long as it is left to the small local Councils to make the greater part of the valuations. There is a machinery of revision, but it means expensive appeals to Courts of law, and anything approaching wholesale litigation has been considered too big a business even by those County Valuation Committees that are aware of gigantic evasions of duty by defaulting County districts. Already there is talk of urgent need for two sweeping reforms—the one to place the actual valuation in the hands of professional valuers unconnected with the local Councils, the other to

transfer the control of these valuers either to the County Councils or to the Central Valuation Committee.

The employment of professional independent valuers has already established itself for certain types of property. The assessment of the true market rent of such property as public-houses, gas and water undertakings, racecourses and theatres presents such difficulties that almost any figure estimated by a Rating Authority would be challenged as unfair by the owners and occupiers. The calling in of a professional independent valuer to assess these properties, while giving no positive guarantee against appeals, reduces the likelihood of such action, since the judgment of professional experts is less likely to be upset by the Courts. For one type of property a special machinery has been established. The assessment of the annual value of the strip of railway line lying within the boundaries of a local authority is one of the most difficult tasks in connection with rating. The only satisfactory method is to take the whole annual value of the railway concerned, and then divide up that value among the areas concerned according to the amount of business done at local stations and the amount to which the lines in question are used for traffic. This kind of assessment can be made only by some central authority which can survey the whole railway system of the company, and in 1930, by the Railways (Valuation for Rating) Act, all the railways in England—with the exception of a few small local companies—were placed for purposes of assessment under a body called the Railway Assessment Authority, a committee of ten persons, six of whom are appointed on the advice of the Associations of Local authorities and the other four chosen by the central Departments. Instructions are given in the Act as to the principles upon which the valuation is to be reckoned, and there is a power of appeal against the assessments of this body, not to the ordinary Courts, but to the Railway and Canal Commissioners, a body established in 1873 (and reconstructed in 1888) to supervise transport facilities. So

great was the task of formulating an accurate estimate of the gigantic ramifications of railway revenues, that it was not till early in 1934 that the first complete assessment was issued for any of the railways. And the result of this attempt to provide a fair estimate of the annual value of the Southern Railway was not particularly encouraging, for on an appeal to the Railway and Canal Commissioners this assessment was declared to have been overestimated by a million pounds. The Railway Assessment Authority promptly proceeded to value the London and North-Eastern Railway on the principles accepted in the Southern Railway judgment, and declared that on these same principles the valuation of the whole North-Eastern system was *nil*!

All sorts of unexpected items are found in valuation lists. Under certain circumstances harbours, canals and navigable rivers are rateable. Free elementary schools maintained out of the rates are liable to assessment. Brickfields, gravel-pits and chalk-pits; telegraphs and telephones; advertisement hoardings; sporting rights in some cases; ecclesiastical tithes; public lavatories: such are some of the items appearing as liable to pay rates. Perhaps the most iniquitous item of all those found in valuation lists is that of sewers. The laying down of sewerage can hardly be said to be profitable in the financial sense, except inasmuch as it saves the local authority the expense of emptying cesspools and indirectly saves the expenses of treating infectious disease. Nor is it easy to visualise a hypothetical tenant. It is held, however, that the fact that the power to construct sewers enables a local authority to fulfil its statutory duties constitutes a profitable right arising out of land, and hence, all over England, we find the smaller local authorities having to pay rates to the County Councils—their own share of the proceeds of rating being naturally cancelled out—as a penalty for having introduced pipe-sewerage instead of cesspools. Cases exist where none too wealthy parishes in Rural Districts have abandoned pro-

jected schemes of pipe-sewerage owing to the increase in rates which they found their schemes entailed. There is something to be said for one Council charging another for the right to lay sewers through their territory, especially if the pipes are carried above ground and detract from the appearance of the countryside, but to make a local authority pay rates to another Council for having equipped its area with an efficient system of sewerage within its own district is generally admitted to be unfair in principle and to call for abolition. For some years local authorities have been calling upon the Ministry of Health to promote legislation to remedy this state of affairs, but so far nothing has been achieved.

DERATING

During the whole of the last century there have been discussions as to the claims of certain types of property to be freed from the burden of rates. Sometimes the plea has been raised on behalf of comparatively small classes of property; sometimes demands have been made for complete or partial derating of very large classes. Among the smaller groups, derating has been successfully urged for churches and chapels, for certain types of schools, for literary and scientific institutes, for Town Halls, for light-houses, for public parks, and for police stations, which have all obtained exemption either by special statutes or as the result of legal decisions in the Courts. Lands reclaimed by embankment along the Thames and all structures built on land below low-water mark on the coast are exempt, and so are certain buildings belonging to the University of Oxford. Though the King pays rates on his private estates, Crown property under the control of the Government is legally exempt, though it is the custom for a voluntary contribution equivalent to the usual rates to be paid over by the Exchequer to local authorities in whose areas such property lies. These manifold exemptions of special types of

property have led to some interesting lawsuits at different times; the United Service Institution in Whitehall, the Zoo, the military band college at Kneller Hall, and the Blackpool Pier Company have formed the centre of keen rating controversies in this respect. There has also been a considerable amount of partial derating based on the fact that some Local Government services render very little benefit to certain types of property. Rates for sewerage and general sanitary purposes can hardly be said to do a vast amount for railway property, particularly for the enormous acreage covered by the track, and the Public Health Act of 1848 made provision for the remission of three-quarters of the rates due under normal assessment from land used merely for railway lines and sidings.

But the most important agitation for derating has been based, not so much on lesser benefit as on general economic and industrial grounds. Industries which have fallen on bad times have developed a habit of attributing their misfortunes largely to the burden of rates. The first example of serious agitation for derating on national economic grounds was the demand of the agricultural interest for some compensation for the loss of the tariff barriers which kept foreign grain out of the British market. No sooner had Sir Robert Peel carried the repeal of the Corn Laws than this cry went up. At first the farmers believed they had a chance of reversing what they considered to be a mad and ruinous movement, and the restoration of Protection for British agriculture was for some time the election propaganda of a large section of the Conservative Party. But as it became apparent with the progress of the century that Free Trade in corn had come to stay for a very long time, the agitation for compensation by a reduction of rates correspondingly increased, and became a new plank in the Conservative platform. With the increasing competition of the newly opened corn-growing areas of America the demand became more insistent still; yet nothing was done to meet this demand until the year 1896, when Lord

Salisbury's Government carried the Agricultural Rates Act, which relieved agricultural land by giving rebates on the rates at a different scale according to the purpose for which the rates were levied. What was then called the General District Rate—mainly devoted to sanitary purposes—suffered a loss of 75 per cent. as regards agricultural holdings, and the same rebate was given in the Special Expenses rate in Rural Districts and in the Water-rate (which affected the revenues of many private companies). As regards the Poor-rate—which at that time included the money for several other kinds of service—the rebate was only 50 per cent., whilst the rebates on lighting and library rates were at a lower figure. Renewed agitation immediately after the First World War led to the increase of the rebate on the Poor-rate to 75 per cent. in 1923.

The agitation for derating was for long almost entirely confined to agricultural interests, which were certainly undergoing a bad time compared with their position in early periods of the nineteenth century. After the war of 1914, however, there came the great slump in British industry, and it was the turn of the industrialists to demand relief by means of derating. All kinds of arguments were adduced in favour of the proposal to derate factories and workshops, the main one being that with foreign competition becoming keener it was necessary to reduce the overhead charges on British industry. It was also urged that the stimulus to production given by derating would go far to solve the great problem of unemployment, which had swollen to huge proportions since the War. After some years of agitation and discussion, Mr Baldwin's Conservative Government decided to adopt a large measure of derating for industry and transport, and the result was the Rating and Valuation Apportionment Act of 1928, implemented by the Local Government Act of 1929, which put into operation the reduced assessments drawn up in readiness under the provisions of the former measure. The

derating provisions of 1928 and 1929 were characterised by a certain crudeness, suggestive rather of Tudor legislation than of twentieth-century statutes. Agriculture, which was demanding parallel benefits, was now relieved of the whole burden of the rates; all agricultural land, which included such properties as woods, orchards, market-gardens and nurseries, was to pay no rates at all. All premises devoted to manufacture were to be excused three-quarters of their rates, whilst the same concession was extended to lands and premises used for the purpose of transporting goods—mainly the railways. In the case of the railways the benefit of reduced expenses was to be handed on to industry by an equal reduction in the freights charged for carrying goods, but as regards agricultural and industrial property no conditions were dictated. This extensive derating applied to all manufacturing businesses, whether they were large or small, whether they employed an army of hands or a couple of assistants, whether their products were hard hit by foreign imports or not, whether their works were situated in heavily or in lightly rated districts. There was no attempt to make the benefit conditional upon taking on a single extra workman. And it was pointed out as an anomaly that the firms which, through their shops and offices, did the work of marketing the produce of industry at home and abroad, got no direct benefit at all out of the measure.

The ordinary rateable value of industrial property in England and Wales qualifying for derating was nearly £28,000,000; that of "freight transport" property before the recent special valuation of the great railways exceeded £12,000,000. The settlement of claims to be included in the industrial list has proved by no means plain sailing. There have already been literally hundreds of lawsuits on the subject. Some of the judgments given in these cases seem to conflict one with another, but as the years have gone by some fairly clear basic principles have broadened out from

precedent to precedent. One great field of controversy has been the line which divides the manufacture of new articles from the repair and reconstruction of old ones. For instance, a firm of motor-scrap dealers, which uses some of the scrap for patching up second-hand cars, has been held to be qualified for derating. Some businesses which would not normally strike the mind as manufacturing or industrial concerns have obtained the reduction—slaughterhouses, bakehouses, newspaper presses. Puzzling cases of conflicting judgments have occurred in connection with bespoke tailors and glass-cutting establishments. Statutory provisions of considerable detail have failed to prevent continual disputes over the rateability of fixed machinery and appliances in factories. And though all machinery is not rateable, a long series of legal decisions dating back at least to 1838 have established the general principle that the effect of any machinery in enhancing the value of property will affect the rental offered by the hypothetical tenant, and thus increase the assessment. As regards the agricultural holdings, the most frequent subjects of litigation have been small properties used only partly for the raising of produce. Had it not been for the statutory ruling-out of all agricultural properties of less than a quarter of an acre there would doubtless have been a much larger number of lawsuits over the class of totally derateable hereditaments. A body of case-law is gradually consolidating round the whole subject of derating, but the Acts of 1928 and 1929 have proved a source of great emolument to the lawyers as well as to the farmers and industrialists. A wag has remarked, however, that the question whether a manufacturer who gets the Government to pay three-quarters of his rates for him is disqualified from being a Councillor on the score of having received poor-relief has not yet been settled.

GRANTS-IN-AID

It could hardly be expected that the Local Government services should be allowed to suffer by the enormous loss of revenue caused by the derating provisions of 1929. The deficit in local revenues was to be made up by grants from the Exchequer, drawn from the national taxes. Local services had already been drawing national grants for a variety of purposes, and the occasion of the big transference of the burden from the farmers and industrialists to the Government funds in 1929 was utilised for a thorough overhaul of the system under which the various grants-in-aid were issued. These grants-in-aid, which had begun their history on a very small scale, had already assumed considerable proportions, and the system of allocation had been very fully discussed for a whole generation before 1929. A Royal Commission and a Departmental Committee had gone over the whole ground, but—with characteristic British hesitancy—nothing approaching a logical recasting of the grant system had hitherto been carried out.

The history of grants-in-aid is usually said to begin with the paying out of a sum of £20,000 to the two great school-founding societies of England—the National Society and the British and Foreign Society—in the year 1833. This grant, however—which became an annual affair—was made, not to a local authority, but to a couple of privately organised Associations. As far as Local Government is concerned, the beginning of grants-in-aid dates from two years later: in 1835, as a result of the recommendations of a House of Commons Committee on rating, the County and Borough Justices received an annual grant towards their expenses in handling prisoners, for prison administration remained under the partial control of the County authorities down to 1877. The 1835 grant consisted of a lump sum of £110,000 divided among the Counties to help pay for the expenses incurred in

conveying prisoners to and from their trial at Quarter Sessions or at the Assizes; to this was added a guarantee of the payment of half the costs of any prosecution instituted by the Justices. Nine years later the prosecution grant was increased to cover the whole cost, whilst a further subsidy was granted towards the expenses of the prisons. With the transfer of the prisons to national control in 1877, this grant came to an end. Meanwhile the question of subsidising the Police forces which some Counties had organised was being discussed in Government circles, and a Royal Commission on Police reported in 1839 in favour of the payment of a quarter of the cost of any Police force which might be established in County or Borough. For seventeen years nothing was done to carry out this suggestion; but when it was decided to make the establishment of a whole-time professional Police force compulsory in all Counties in 1856, the recommendations as to subsidy made in 1839 were carried out. The grant-in-aid for Police purposes was increased from 25 per cent. to 50 per cent. in 1874. These Police grants were confined to the provision of pay and uniforms; the costs of police stations and administrative expenses were not subsidised from the national Exchequer. It was not till 1918 that the whole costs of the local police forces were subsidised to the extent of 50 per cent. out of national funds.

Before the grant-in-aid of Police materialised the Exchequer subsidy had made its appearance in the realm of Poor-law. In 1846 Sir Robert Peel secured approval for a grant of half the salaries of Poor-law doctors, provided their appointment was approved by the Government Department concerned, and to this was added half the cost of medicines and medical supplies, whilst a further subsidy towards the salaries of the teachers in workhouse schools was also granted. This national grant towards Poor-law administration was added to in 1874 by a grant of 4*s*. a week towards the maintenance of any pauper lunatic whom the Boards of Guardians

chose to transfer to the regular Asylums. Public Health came within the sphere of grants-in-aid in 1872, when the 50 per cent. grant towards the salaries of Medical Officers was extended to the sanitary service, subject to the same conditions as prevailed as regards Poor-law doctors; the same privilege was granted in respect of Sanitary Inspectors. Peel, who was a great believer in the grant-in-aid, wished to extend the system to the upkeep of the main roads of England, but Parliament failed to support him in this matter; however, in 1882 a lump sum of a quarter of a million pounds was granted by Gladstone's Government as an annual subsidy towards the maintenance of the main highways. With the institution of schools run by local authorities in 1870 the system of grants which had hitherto been made to other organisations was applied to this branch of Local Government service. Thus, by the end of the nineteenth century, the grant-in-aid had been extended to the departments of Education, Police, Poor-law, Public Health and Highways. New grants were added towards the treatment of mental deficiency in 1913, maternity and child welfare in 1915, and venereal disease in 1916, whilst the grants towards police and highways were extended in 1918 and 1923 respectively.

The gradual piling up of these grants-in-aid attracted the attention of the Government to the system as a whole. By some people they were welcomed, not only as providing assistance for needy areas and as a means of strengthening Government control of local administration, but as doing something to redress the unfair burden imposed upon real property by the rating system. By others they were condemned as a weakening of local responsibility, an encouragement of begging, and an intrusion into the real functions of Central Government. Gladstone, with his many years' expert study of national finance behind him, declared the whole system of grants-in-aid to local authorities to be a vicious one, and wished—if the system could not now be abandoned altogether

—to impose severe limits to future expansion of such subsidies. In 1888, when the new County Councils were being established, George Goschen—the Unionist Chancellor of the Exchequer—effected a complete overhaul of the grant-in-aid system, the main effect of which was to restrict the grants to a definite maximum which, though it would tend to increase from year to year, would be immune from arbitrary expansion as a result of importunate enthusiasts. Under what became known as the "Goschen System" certain taxes were earmarked for feeding the grants to local authorities; these taxes were likely to bring in enough to cover existing payments and a little over, whilst future expansion of subsidy would be limited to the amount of the increase in the product of these taxes due to the expansion of national trade and prosperity. The "Assigned Revenues" included all the little licence duties—for the sale of beer and wines, for the keeping of dogs, for selling game, for the use of armorial bearings—and a sum equivalent to 40 per cent. of the probate duty levied on inherited estates. The former grants would continue to be paid on the old scale; the surplus, which might be expected to slowly increase as time went on, was to be distributed to local authorities as a bonus, being shared out in proportion to the rateable value of each authority's area. A further administrative change simplified matters for the central Departments by arranging for the payment of the grants, not—as formerly—direct to each spending authority, but to the County Councils and the County Borough Councils, the Counties passing the money on to their constituent authorities.

The Goschen System had its keen admirers and its severe critics. Its intended effectiveness in checking further raids upon the national Exchequer pleased the former as much as it displeased the latter. The interposition of the Counties between the central Government and the recipients of the money was held by many to weaken the salutary control of the local Councils by the better informed Government De-

partments. And the distribution of the surplus on the basis of rateable value obviously favoured the richer as against the poorer areas. But the hopes and fears based on the effectiveness of the new system in calling a halt to further subsidisation were soon shown to be groundless, for within a couple of years the increasing demand for secondary and technical education broke through the barrier of the original Goschen Scheme, and the "Assigned Revenues" were increased by the imposition of new taxes on beer and whisky, 80 per cent. of the yield being allotted to the local authorities, whilst advantage was taken of this breach in the system to add further grants for police pensions. The provision of this substantial amount of extra revenue did, however, check further advance for another twenty years, during which the Goschen System appeared to have become firmly established. In 1910 and 1911, in fact, there was an actual reaction against expansion of grant, for in order to provide money for the social reforms of the Liberal Government of that time, the local subsidies drawn from the assigned revenues were fixed at the figure they had then reached, all further increases being diverted to national funds.

But below the serene surface of the Goschen System movements were developing which augured future changes. In 1897 a Royal Commission was appointed to consider the whole system of Imperial and Local Taxation, and it reported in 1901 in favour of considerable increases of grant on those services which were considered to be of national as distinct from purely local importance—Poor-law, Education, Police and Main Roads. Three members of the Commission issued a Minority Report advocating changes in the method of distributing the grants; a "formula" was to be devised to modify the amount received by each local authority according to the amount actually spent by the local Council and the rateable value of the area, but the latter factor should operate, not as in the Goschen scheme to give more to the

wealthier areas, but to give more to the poorer areas. The Minority Report also advised what were termed "block grants" to services as a whole—so much for Education and so much for Public Health generally—instead of what were termed "allocated grants" for more specialised services—such as Police pensions or Technical instruction classes. Ten years after the Royal Commission had reported, a Departmental Committee of the Treasury met to reconsider the question of local taxation, reporting in 1914. It evolved a scheme of classification of local services into national, semi-national, and purely local services, and taking each service separately, worked out what it considered to be the best basis of assessing and allocating each particular grant, with a general bias in favour of the block grant; it also urged the Minority proposals of 1901 as regards a formula to benefit the poorer areas.

It may be regarded as typical of British methods that after having a Royal Commission in 1897 and a Departmental Committee in 1911, both reporting in favour of considerable changes, nothing was done to carry any wholesale reforms into effect until the year 1929. Meanwhile there had been on the one hand the restriction of grants by the Liberal Government in 1910 and 1911, with a further restriction in connection with the national economy campaign of 1921, and on the other hand a great increase in the total of grants through special subventions granted for mental deficiency hospitals, maternity and child welfare, venereal disease treatment and other services. Perhaps reform would have been postponed still longer had it not been for the derating provisions of 1928 and 1929, which forced the attention of the Government to the means of compensating the local authorities for the loss of future revenue on agricultural, industrial and freight transport hereditaments. The discussions on this problem gave an opportunity for a fresh overhaul of the whole system of grants-in-aid, and the result is seen in the Local Government

Act of 1929, one part of which deals in great detail with an entirely new system of subsidisation, incorporating the main suggestions of the Minority Report of 1901 and the Treasury Committee of 1914. Again, it may be considered typically British that a large number of the existing grants were left unaltered on the ground that they were on the whole working in a satisfactory manner. Thus, the changes of 1929 did not affect Education, Police, or Housing, whilst some of the Highways grants remained on the old basis.

The most revolutionary change in the grant system introduced in 1929 was the establishment of a formula for future assessment and apportionment. This "rating relief formula" is usually considered to be one of the most difficult and complex things that the local administrator has to study, and many a junior clerk has resigned himself to regard Part VI of the Local Government Act of 1929 as one of the unsolved mysteries of English crime. The main principles are, however, really quite simple. For the purpose of the new grants —known as the General Exchequer Contribution—an attempt is made to assess each area according to its need of financial assistance. This principle, however, is not carried so far as to assess each rating authority separately; the units taken are the Counties and County Boroughs, so that whilst a poor county will get more than a wealthy one, there is still scope for a considerable inequality of benefit between different Boroughs and Districts contained within the same Administrative County. The grant sent down from Whitehall to the Counties and County Boroughs is based on a population figure—so much money to be granted for each person; but this population figure is a purely imaginary one, and in no case corresponds to the actual population of the area in question. In setting out to create this purely imaginary figure Whitehall starts with the real population figure for the area as estimated by the Registrar-General. The real figure is then "weighted" by the addition of figures indicative of

the special factors which make it advisable to render financial assistance to the local Councils. There are four factors which must be given consideration in this respect—the number of small children in the district, the amount of local unemployment, the mileage of roads to be maintained, and the rateable value upon which the local Councils can draw for their own financial supplies. For each of these items a "normal" figure is fixed, representing a state of affairs which the local Council should be able to cope with quite well out of its own revenues.

Child Welfare services are provided in respect of children up to the age of five years, and it is estimated that if the number of such children within a local authority's district is anything up to 5 per cent. of the population, the local Council should find no difficulty in finding enough money to provide for them. But if the local authority finds itself in the position of the old woman who lived in a shoe, it will need financial assistance in maintaining an extended Child Welfare service, and under the formula it is arranged that for every 1 per cent. above the normal 5 per cent. the real figure of population shall be increased by 20 per cent. Thus, a County Borough with a real population of 100,000 would, if its children under the age of five formed 6 per cent. of the total population, be reckoned on this score as being a town of 120,000 inhabitants, and would get 120,000 little shares of grant instead of 100,000. The normal figure of rateable value estimated as adequate for satisfactory local finance is taken as £10 of rateable value for every person in the district. For every pound by which this proportion falls short of the normal an allowance is made by adding 10 per cent. to the real population figure. Thus, if the rateable value of a County containing a million people works out at £7 a head of the population, the "weighted population" figure will be reckoned as 1,300,000. As regards unemployment, the figures supplied by the local Employment Exchanges are taken, but less consideration is given to the number of

women out of work than to the number of men; the total number of unemployed men plus one-tenth of the total number of unemployed women is worked out as a percentage of the total population of the area, and the figures are averaged out for the last three years. The normal figure for unemployment, worked out on this basis, is taken as 1½ per cent. Should the ratio of unemployment exceed this figure, however, an addition of 10 per cent. is made to the population figure for each extra 1 per cent. Thus, starting from the population figure of 100,000, an unemployment ratio of 11½ per cent. (10 per cent. above the normal) would bring the weighted figure to 200,000.

The weighting for Highway maintenance is a little more complicated. The total mileage of public highway within each area is compared with the total number of inhabitants. The "normal" figure here is one mile of road for every 200 inhabitants, but the sparsely populated districts where a few ratepayers have to pay for long stretches of road are compensated by a further addition to their weighted population. For purposes of grant allocation the units are divided into two classes. If it works out that the population per mile of road is less than 100, the population figure is increased by 1 per cent. for every 1 per cent. that the proportion falls below the full normal figure of 200. Thus, if a County has a population of only 50 for every mile of road in the County, it falls short of the normal by 75 per cent., and a population figure of a million would be thereby increased on this score to 1,750,000. But if the proportion works out at 100 per mile of road or higher, a different system of reckoning is adopted. In this case the proportion of people to mileage has to be divided by 50, the resulting figure being then divided into the population figure to give the additional weighting figure. This is the most complicated mathematical process involved in the whole scheme. If a County has 200 people per mile of road, then, since 200 divided by 50 gives 4, the popu-

lation figure must be divided by 4; in other words 25 per cent. has to be added for weighted population. If a County has 250 people per mile of road, then since 250 divided by 50 gives 5, the population figure must be divided by 5; in other words 20 per cent. has to be added for weighted population. It can be seen from this that the "normal" which is used for the Highways factor is really a false normal, since the County with the "normal" figure of 200 per mile actually gets a considerable addition to its weighted population in respect of its Highways. In the County Boroughs, where most of the roads are continuously lined by occupied houses and business premises, the allowance in respect of roads is not counted at all.

A further complication is introduced by the fact that the weighting given in respect of unemployment and highways is more generous than in respect of the other two factors. Additions of weighted population in respect of children and rateable value are calculated on the real population figures; for those in respect of the other two factors the basic figure from which the percentages are calculated is the weighted total produced by adding the first two weights to the real total. Thus, if a County of a million inhabitants is increased on the score of low rateable value and large numbers of children to a weighted figure of 1,400,000, the further weightings for unemployment and highways have to be calculated as percentages of 1,400,000 and not as percentages of the original million.

When once the County Boroughs have received their General Exchequer Contribution there is no need for any further calculations, for the County Borough is the sole authority for all Local Government services in its area. But the sums allotted to the Counties have to be divided between the County Councils and the Councils of the constituent units—the Municipal Boroughs, Urban Districts and Rural Districts. So greatly have the duties placed upon the County

Councils increased in recent years that a full half of the County grant is allotted to the County Council; the other half is distributed amongst the smaller units. The allocation is here based on the simple basis of total population, without any consideration of weighting such as affects the original division among the Counties and County Boroughs, but there is an important distinction made between urban and rural areas. Under another part of the 1929 Local Government Act the Rural Districts were relieved of all responsibility for maintaining their highways, the full burden of which was transferred to the County Councils; this relief was not extended to Boroughs or Urban Districts, and this difference led to the reduction of the grant to Rural District Councils. In estimating the population of the various County units for the purposes of grant, the population of the Rural Districts is taken as only a fifth of its real figure. In the distribution of the new Exchequer grants the smaller unit receives the money direct from Whitehall, as in the days before the institution of the Goschen System.

Once more the characteristic British genius for compromise comes in when the arrangements for the introduction of the new system of 1929 are considered. The scheme was not to be introduced in its complete form at once. In fact it was to take seventeen years to get it fully working. The figures of weighted population which were worked out ready for the new Act of 1929 were to stand for three years, after which they were to be revised in accordance with the changes that would have occurred during the three years. After the second allotment of grant an interval of four years was to elapse before a further reallotment. After that the figures were to be revised every five years. During the first two "fixed grant periods" the new system was to be applied to only a quarter of the money paid over to the local authorities, the remaining three-quarters being still calculated on the old pre-1929 system; during the third fixed grant period the

proportion calculated on the new basis was to be increased to half, and during the fourth fixed grant period it was to rise to three-quarters. Only when the fifth valuation and allotment were made—seventeen years after the institution of the scheme—was the system to be applied to the whole amount, and even so there remain grants-in-aid totalling a sum approaching double the General Exchequer Contribution outside the 1929 system. The 1929 scheme also contains a series of guarantees to safeguard local authorities from losing too heavily at the revaluations—a guarantee against loss through derating, a guarantee against a fall in the proportion of grant-in-aid to rate-borne expenses, a partial guarantee for special grants formerly made to rural parishes.

The original purposes of the grant-in-aid were to stimulate those local services which were considered of national importance and to increase the leverage of control wielded by the central Departments. Apart from the cases in which the grant depends on a special sanction from Whitehall—as in the case of the salaries of Medical Officers and Sanitary Inspectors—there has always been the understanding that if a local authority proved itself inefficient or extravagant the grant could and would be withheld. The power to withdraw a grant-in-aid has rarely been used, but the threat of such action has not infrequently been applied as a stimulus to inefficient authorities, and with considerable effect. The 1929 Act makes it quite clear that the Ministry of Health may at any time withdraw from any Council either a part or the whole of its General Exchequer Contribution, alike in cases of niggardly inefficiency and in those of reckless extravagance. In such a case the Ministry has to present a report on its action to Parliament, but such action does not need Parliamentary confirmation. But in addition to the old ideas of stimulating national services and increasing powers of supervision, in recent years there has been developed, and at last put into partial action, the idea of using the system of

grants-in-aid to redress some of the inequities of the rating system. The general taxpayer provides the money for the grant-in-aid, and inasmuch as such grants are extended there appears to be some corresponding relief for the occupiers of houses and shops, whilst the rating relief formula of 1929 makes a long-delayed attempt to compensate the local authorities in the less wealthy areas for the limitations imposed upon their activities by the smallness of their local financial resources.

MUNICIPAL TRADING

The third great source of Local Government Revenue comes from what is generally known as Municipal Trading. About £180,000,000 comes in to the local exchequers from this source each year, and the total tends to increase. Taken as a whole, the services for which a specific charge is made to the actual consumers or patrons of those services are not run for the purposes of financial profit; the idea is rather to supply efficiently and cheaply. There is a strong difference in opinion as to how far this is a good policy, and some towns make a very handsome profit out of their trading activities, but taking the country as a whole, there is at present a profit of about a million pounds on the balance of revenue and expenditure. Municipal trading has been one of the most hotly debated questions of the past half-century; Conservatives have been distrustful of its efficiency and concerned as to its effect on private enterprise, while Socialists have always been keen supporters of its extension, since State ownership of the means of production and distribution forms the core of Socialist policy. Conservative views on this question have usually prevailed in Parliament, and owing to the strict interpretation of the *Ultra Vires* principle it has been necessary for local authorities that wish to extend their trading activities to apply for parliamentary sanction by the promotion of

Local Acts, the result being that Municipal Trading has been kept within comparatively small limits. The main fields of municipal enterprise in this direction have been concerned with the supply of lighting and water and with the provision of transport facilities.

Municipal electricity supply—which nowadays provides heating and power as well as lighting—is the largest item in the revenue account of Municipal Trading, bringing in more than sixty million pounds a year. The local transport services —mainly trams and trolley-buses—bring in over twenty-five millions. Water supply accounts for twenty-five millions of revenue, and gas supply for some twenty millions. Municipal control of docks and harbours and similar facilities for water transport bring in about thirteen millions. These five major services account for nearly 95 per cent. of the revenues in this department of local finance. Of the lesser items, market-dues and cemeteries are the most important from a revenue point of view. Electricity proves the most profitable service from the point of view of relief to the rate fund by surplus revenue, the municipalities being able to apply a total of over a third of a million pounds from this department. The heavy capital cost of new and extended enterprises during the very active period following the First World War made it difficult for the local authorities to do much more than make both ends meet, but as the new services began to bring in revenue it became possible to apply profits to the relief of rates. By 1939 all the major trading services were able to contribute something to the general rate-fund.

Of the other sources of revenue, local authorities are now raising about a hundred millions a year by loan. They are often classified as revenue producing and non-revenue producing, though of course there are many intermediate cases where a portion only of the work carried out by means of a loan brings in revenue. A large sum may be borrowed

for the construction of a park; the greater part of the expenditure goes to provide lawns and gardens which are open free to the public, but some of the money may be spent on a boating-lake or a group of tennis-courts which bring in an annual revenue. Municipal trading services rely largely on loans for development, and in normal times this group of services accounts for about a quarter of the loans taken up annually. Of the miscellaneous sources of revenue the largest single item arises from the extensive development of municipal housing activities, the rents of Council houses bringing in over twenty-five millions. So extensive are the services provided nowadays by local authorities, and so large are the sums handled in municipal budgets—exceeding in some cases those of the national budgets of European States —that when we are dealing with English local finance as a whole sums which are reckoned merely in hundreds of thousands of pounds become so insignificant that they can be ignored in a general survey.

CHAPTER VIII

LOCAL GOVERNMENT SERVICES

THE EXTENSION OF LOCAL GOVERNMENT SERVICES

THE earliest duties undertaken by local officials were those of the Churchwardens and the Constables, the former connected with the ecclesiastical and the latter with the temporal sphere. The Churchwardens, whose duties were concerned with the maintenance in good condition of the parish churches and their appurtenances, were attached from their earliest days to the ecclesiastical parishes; the Constables were—as far as history can trace their origin—attached to the feudal organisation of the Manor, though they became in later days in many parts of England connected with what we should nowadays call the civil parish—the parish in its secular aspect. Churchwardens still exist, but although in England as distinct from Wales the Anglican Church is still the official Church of the nation, Church matters as such are regarded to-day as quite outside the sphere of Local Government. The Churchwarden had at one period important Poor-law functions, but he has long been relieved of these. Police functions, however, are still very much the concern of Local Government, and the familiar helmeted "copper" of to-day represents an unbroken line of Local Government officers and servants dating back to the time when the tenant of the Manor took his turn for a year in carrying out the unpaid and part-time duties of keeping the King's peace, arresting law-breakers and doing amateur detective work. The increasing internal trade of the country and the appearance for the first time of a serious unemployment problem drew the attention of the Tudor Parliaments to Highways and the relief of the poor, with the result that

under Mary and Elizabeth two new Local Government officers made their appearance—the Surveyor of Highways and the Overseer of the Poor. Overseers were abolished in 1927, but the Surveyors of local authorities are still concerned largely with highway maintenance, and these two parish officers are to-day represented by the important Highways and Public Assistance departments of modern Councils.

Though the Municipal Corporations of the ancient Boroughs did at times undertake duties connected with Public Health and urban amenities, and even indulged in a certain amount of municipal trading, such activities were far from universal, and the eighteenth century, with its increasing civilisation and its multiplication of urban nuisances through the expansion of towns, set up a series of new local authorities whose function was to increase the amenities of town life. These new bodies, established by a long series of Local Acts, undertook the duties of paving and scavenging, and often of lighting the streets, whilst they incidentally encroached somewhat on the old police functions of the parish Constables. Though the aim of these statutory bodies was—at first, at any rate—the provision and maintenance of amenities, they tended to undertake functions which nowadays would be considered Public Health functions, for the services of refuse removal and sewerage, originally intended to make the streets more pleasant places than they had been, inevitably conferred some benefit on the population of the towns from a sanitary point of view. It was not until nearly half-way through the nineteenth century, however, that sanitation was recognised as a permanent concern of Local Government, and the Boards of Health established by general statute in 1848 mark a definite enlargement of the functions of local authorities. In the eighteenth century Public Health was an almost unconscious factor in an amenities campaign; to-day the provision of amenities has become a mere adjunct to a gigantic organisation of Public Health, represented

by the municipal departments of Public Health, Housing, Mental Deficiency and Town Planning, with their various subordinate branches.

The latter half of the nineteenth century, besides witnessing a great extension of existing services, saw the opening of an important new field of municipal enterprise. Compulsory education was introduced in 1870, and a new set of local authorities was created to undertake its provision and supervision. The School Boards ceased to exist early in the twentieth century, their functions being transferred to the Councils of the normal modern Local Government units, but the education service has continued to expand, and the Education Committees of to-day spend more money than any other municipal Committee. Meanwhile, a number of trading enterprises had grown up under municipal control, and Local Government was found to be supplying the community with water, gas and electricity on a constantly increasing scale. When we add to these major activities those concerned with such comparatively small—though highly useful—services as inspection of weights and measures, fire-brigades, veterinary work and land drainage, it may be realised what a gigantic expansion has taken place in English Local Government since the days when the Overseers and Surveyors of Highways and Parish Constables presented their crude and misspelt reports to the Justices of the Peace of each County. And yet there are found, not isolated individuals, but thousands of people who believe that the money they pay in rates is spent mainly on street-lamps and dust-carts.

POLICE

When Sir Robert Peel organised a force of full-time uniformed policemen for the Metropolitan area it was widely believed that the experiment was doomed to failure, since Englishmen were not expected to tolerate what was felt to be

an attempt to maintain order by French and Prussian methods. But after a brief period of dislike and ridicule, the feelings of the citizens towards the "Peelers" became tolerant, respectful, and even warm-hearted. To-day, any suggestion of abolishing the police forces would be regarded by the vast majority of Englishmen as a national calamity. So successful was the experiment of the Metropolitan police, that when the Municipal Corporations were reformed in 1835 it was laid down by statute that every Borough must have a regular police force, and four years later an Act was passed permitting the Justices of the Counties to establish County forces where they so desired. The rural parts of England, however, remained under the protection of local amateurs in many districts until 1856, when it was made compulsory for every County to organise a force. Since the year 1856, police forces have existed in every part of England.

In the Counties, the police were at first under the direction of the Justices of the Peace, but with the establishment of the County Councils in 1888 the control of the police was given to what is called the Standing Joint Committee, a body consisting half of County Councillors and half of Justices. In Boroughs the police Committee is always called the Watch Committee, a name which survives from the days of the old watchmen who guarded—or failed to guard—the streets at night; this Committee consists of Town Councillors, and may not exceed in numbers a third of the Council. The Metropolitan Police, who operate in an area extending over all parishes within a radius of fifteen miles from Charing Cross, remain—as they were in Peel's time—under the direct control of the central Government, the Home Office appointing a special Commissioner, who has power to precept the local authorities for a rate. The Corporation of the City of London of course has its own special police force, under the control of the Common Council, whilst there still exists a special force of river police on the Tyne, under a surviving

Board of Improvement Commissioners, raising their funds from tonnage-dues on shipping. The police forces are very closely supervised and controlled by the Home Office, having to receive a special certificate of efficiency from the Government Inspectors before they are held to have qualified for the large grant-in-aid of half the total expenses of the establishment.

The great powers placed in the hands of any police force demand a considerable amount of tact and honesty from its members, if its actions are to be free from serious criticism and jealousy. The general respect in which "the force" is held in England to-day indicates a high standard of character and integrity among its members. Not that the police are entirely immune from criticism. Black sheep exist among any large body of men, and the temptations which beset the weaker brethren in the police force are great. But though here and there, and from time to time, there is an inevitable scandal over some gross case of corruption or blackmail, the general standard of conduct of the 60,000 police constables of England is as high as that of any police force in the world —and very much higher than that of most of them. The most serious criticisms of this nature arise in cases where police action conforms itself rather to local public opinion than to the requirements of the law; in a number of places the police are inclined to turn a blind eye to such offences as drunkenness, betting offences and motoring offences, but in such cases it is obvious that public opinion—locally at least—does not regard such shortcomings as atrocious. A good deal has been written—and with truth—about the iniquitous proceedings of certain sections of certain forces, but one has only to compare the opinion of English citizens with that of American citizens on their respective police systems to realise that England is, judged by all human standards, extremely well served by her police.

The keenest controvery in the Police department concerns

the relative merits of the small forces and the large ones. Under modern conditions, the existence of separate Borough police forces in the tiny municipal Boroughs which owe their rank in the municipal hierarchy merely to historic celebrity becomes absurd, and in 1888 all the separate forces in Boroughs with less than 10,000 population were merged in the County forces. Already, under the Municipal Corporations Act of 1882, the establishment of new forces had been forbidden to all new Boroughs with a population of less than 20,000, and during the last half-century it has been the custom for the Home Office to press for the abandonment of claims for separate police administration by all Urban Districts that are applying for Borough status. Since 1888 about a hundred new Boroughs have been created, but only seven have obtained police powers. At the present time there are 177 separately organised forces in England, of which 119 are Borough forces. The Treasury Committee on National and Local Taxation reported in 1914 in favour of merging the smaller forces in the County organisations, and with the traditional British deliberation the matter has since that date been referred to two investigating Committees—without any attempt to carry out their recommendations. A Departmental Committee of the Home Office under the Chairmanship of Lord Desborough suggested in 1920 that separate forces should be restricted to Counties and County Boroughs, but declared that the ideal system would be to restrict the Borough forces to towns of at least 100,000 population. A Select Committee of the House of Commons reported in 1932 in much more moderate vein; rejecting the suggestion of the Home Office that the limit should be a population of 75,000—the new limit for County Boroughs—it suggested the much lower minimum of 30,000, which would involve the merging of twenty-eight forces.

Many arguments are adduced in favour of merger. The

large unit, with a high total of rateable value, means better facilities for training and scope for more varied experience, though it has been pointed out by the opponents of merger that the facilities provided by the general training centres at Liverpool, Sheffield and elsewhere are available to members of all forces, and are superior to anything that the County forces can supply. There is a larger area to recruit good men. There are better chances of promotion in a large force, a factor which acts as a spur to the keener men and attracts a better type of recruit. A large area may mean economy of man-power by the existence of a large reserve force which may in emergency be massed in one direction—though the existence of mutual agreements for support between independent forces have largely neutralised this factor. Suggestions that the narrow area of the small force increases the temptation to favour local friends and make things hot for local enemies have been keenly denied by the small forces, and hints that the occasional misdemeanours of members of a Borough Watch Committee escape the observation of the local police have been replied to by pointing to the bigger scandals that have occasionally brought disgrace on the larger forces. Finally, the merger of forces leads to obvious economies in the costs of administration, as the figures relating to recent amalgamations prove. In opposing the idea of merger the small forces emphasise the expert local knowledge of people, of Local Acts and By-laws possessed by the Borough forces, the easy and rapid communications in times of emergency between the force and the Watch Committee, and the undoubted fact that many recruits have joined the small local forces simply because they are local and do not involve removal from the officer's home town. It may also be observed that most of the criticisms of the small Borough forces apply with equal strength to those of smaller Counties. In 1946 there are seven forces with a strength of less than twenty-five; of these three are County forces—and

one of the County forces numbers ten men. By the Police Act of 1946—which comes into force in April, 1947—all but two of the Non-county Borough forces are merged with the County forces, whilst provision is made for further amalgamations in the future.

HIGHWAYS

Highway maintenance in its modern sense was unknown down to the Tudor period, except during the time when the Romans maintained their famous roads in Britain. A comic History of England once stated that where the Romans made roads, the savage Britons made tracks. Mediaeval Englishmen went on making tracks, since their idea of a road was simply a right of way, and provided the track was passable for foot and horse traffic there was little more to be done. It was not until the growth of internal trade that any serious attention was given to road surfaces; then, by the Statute of Highways of 1555, passed in the reign of Queen Mary, a duty was imposed upon each parish to maintain its roads in good condition. Though the Tudor idea of good condition would appear ridiculous when compared with modern standards, and the work of road repair was carried out in a very perfunctory manner in most places, there was definitely instituted a regular system of annual work on road surfaces. This improvement in road surface led to the appearance for the first time in England of wheeled traffic for long distance journeys, and this in turn led to still further demands for improved surfaces. The financial incapacity of most parishes to improve matters in this respect led to the second great advance in road improvement being undertaken by private enterprise, and a long succession of statutes empowered Turnpike Companies to undertake the maintenance of what would nowadays be called Classified Roads, and to recoup their expenses and make a profit by charging tolls on the actual users of the roads. The turnpike toll, in fact, served

the purpose of the petrol tax and the road licence money of to-day.

It has often been asserted in recent years that the old turnpike roads were unsatisfactory in every way, and that their condition compared with that of the modern publicly maintained highways proves the inefficiency of private enterprise compared with municipal socialism. It must be remembered, however, that for a century and a half the turnpike roads were as superior to the publicly maintained roads as the modern County roads are to our farm-tracks, and that it was only when the increase of traffic due to the improved turnpikes led to the demand for a still further improvement of surface that the tolls collected from those who drove vehicles or animals along the highways proved insufficient for this higher standard of maintenance. Steps were taken to improve the general standard of road surface by the Highways Act of 1835, and a Highways Act of 1862 established special Highways Boards all over England whereby through joint effort the poorer districts could provide something approaching what was now the reasonable standard of surface. This Act was defective in providing no adequate machinery for enforcing its provisions—which were on paper compulsory—and not much more than half the parishes of England put the Act in execution. The Highways Board system was a failure, and was abandoned when the new Urban and Rural District Councils were established in 1894, all Highway duties previously entrusted to Parishes and Highway Boards being handed over to these more general Councils. Already in 1882 the condition of the main arteries of traffic had been improved by the establishment of grants-in-aid to the County governments, which were entrusted with the maintenance of "main" roads—an expression which was differently interpreted in different Counties.

The development of motor traffic in the twentieth century once more raised the standard of road surface requisite for

efficiency, and it became evident that without some further overhaul of the system of administration the highways would be inadequately maintained in relation to modern needs. The Onslow Commission devoted a considerable amount of time to discussing this problem, and suggestions were made that the simplest solution would be to transfer the whole duties of road maintenance to the County Boroughs and County Councils. This provoked a strong opposition on the part of the County districts, and when the recommendations of the Royal Commission bore fruit in the Local Government Act of 1929 the urban areas were left in charge of most of their roads. The whole of the roads in the Rural Districts were, however, transferred to the County Councils. As regards bridges, for many centuries they had been regarded as luxuries which it was left to Municipal Corporations and public-spirited individuals to provide, though the County Justices gradually made themselves responsible for maintaining, or helping to maintain, many of the most heavily used bridges. A famous legal decision in the High Court in 1780, however, established the surprising principle that, once built, a bridge became a charge on the County, and though the County Justices were in 1803 given the power of modifying the design of new bridges, the principle of County responsibility for maintenance has been allowed to remain.

The rapid development of motor transport, with a consequent heavy increase in the costs of road-maintenance, has provoked great changes in highway administration since the First World War. The Ministry of Transport, established in 1919, made a new classification of roads according to the amount of traffic carried—Class I roads, bearing the long-distance traffic across England; Class II roads, bearing short-distance traffic between important towns; "unclassified" roads, providing communication between small towns and villages. This classification was made the basis of a readjustment of the burden of highway maintenance in 1929. County

Boroughs were to maintain all their roads; County Councils were made responsible for all "classified" roads, whether of Class I or Class II, and for all the roads in Rural Districts; Municipal Boroughs and Urban Districts were to maintain their own unclassified roads. Arrangements were made whereby the actual work of repair might be entrusted to any Council, the cost being met by the authority liable under the 1929 scheme. In 1936, by the Trunk Roads Act, the Ministry of Transport became wholly responsible for the maintenance of some of the most heavily-used highways of England, and in 1946 this relief to the local authorities was extended by the inclusion of numerous other roads in the list of "trunks". These changes led to a new classification of roads by the Ministry in 1946. A Class III has been inserted between the Class II roads and the unclassified. Under the new scheme the Ministry will be responsible for about 8000 miles of highway; Class I and Class II roads will together account for another 30,000 miles; the new Class III roads will include about 55,000 miles of highway, leaving about 60,000 miles to remain "unclassified".

As regards the making of new roads for traffic purposes, as distinct from residential streets, the work may be undertaken by Boroughs, Urban Districts or Counties, and even by Rural Districts if the County is willing to delegate its powers. The Ministry of Transport too may, on occasion, decide to construct arterial and other roads in any part of England, and in such cases has special powers to obtain by compulsory purchase the land lying on each side of the new road to the depth of an eighth of a mile. But the construction of a new through traffic road is a comparatively rare event, though in the years immediately following the war of 1914 arterial motor-roads and by-passes formed a spectacular development of English Highway administration. The great majority of new roads are formed out of what are usually called "private streets"—roads laid out on building

estates with residential property on both sides. One of the eternal sources of petty warfare between ratepayers and local Councils is this matter of private streets. The principle here has always been that the original making-up of the road—the provision of metalled surface, pavements and other amenities—must be paid for by the owners of the property benefited by the improvement of the road, who are usually termed the "frontagers". When once the road is properly made up, however, it is the almost universal custom for the local Council to "adopt" the road, and thenceforward the cost of maintenance falls upon the rates, and, if the owners of the larger part of the property affected demand it, the Council must adopt the road. "Frontagers" who own the houses that they live in are usually torn two ways; the rough, muddy, unpaved and unlighted street—especially on clay soil or in moist districts—provokes them to demand that the street shall be made up, whilst the cost of the improvement makes them postpone action as long as possible. At any given time, there are usually in an unmade-up street some frontagers who want the work done and others who think the mud and furrows a lesser evil than the bill of costs, and petitions and counter-petitions are sometimes set off against one another at the Council table. And when the Council decide to undertake the work—and they have complete freedom to act if they wish—there are usually further disputes as to the fairness of the apportionment of charges and as to the extravagance of the cost incurred on behalf of the frontagers by the Council.

Action to make up private streets may be taken under two separate Acts—the Public Health Act of 1875 and the Private Street Works Act of 1892, though for the latter it is necessary for the Council to pass a special resolution to adopt the process for their district—and the normal unit for undertaking the work is the Borough or Urban District. Rural Districts may take action under the older Act, and may obtain from the

Minister of Health permission to act under the later Act. County Councils may take action under the 1892 statute. The differences between the two forms of procedure are appreciable, the later form being more business-like and simple; perhaps the most striking difference is that whereas the 1892 costs are levied on the frontager either cash down or on the instalment system, under the 1875 Act a "private improvement rate" is levied on the property, though arrangements may be made to pay the whole sum cash down. The 1875 procedure is now regarded as obsolete in most places, and will probably be entirely superseded by the 1892 system when the time comes for further portions of the Public Health Act of 1875 to be consolidated, but there are still some quite important Boroughs which have never adopted the 1892 Act and make-up all their private streets on the old 1875 system. Provision is made under both systems for appeals by frontagers, the most usual grounds of appeal being extravagance of cost in proportion to the traffic the road will be called upon to bear, excessive assessment in proportion to other frontagers, and claims for allowances on account of work already done privately to provide material for improving the roadway or sidewalk. Since this form of Council activity is one that directly affects the ratepayer to an acute degree, it evokes considerably more interest than most Local Government services, and when the statutory notices appear in the local newspapers announcing that the Council has decided to "sewer, level, pave, metal, flag, channel, or make good, or to provide proper means of lighting" a street or part of a street, there will assuredly be much fluttering in the dovecotes of "The Beeches", "Chez Nous" and "Clovelly".

PUBLIC ASSISTANCE

When the relief of the poor became part of the duties of Local Government in the Tudor period the number of applicants for relief was small enough to cause no serious problem to the parish Overseers and Churchwardens. Though the Act of 1598 had made provision for the assistance of poor parishes by grants-in-aid from their more well-to-do neighbours, and if necessary for the spread of a needy parish's expenses over a whole county, this provision was rarely put in force. For more than a century each parish was able to manage its own poor, but with the growth of large towns during the eighteenth century and the increasing fluctuation of employment due to the transfer of workers from agriculture to industries depending for their trade on a variable market, the financial pressure of poor-relief began to bear somewhat heavily on some parishes. Economy of administration was effected by the policy of spreading the burden over a wider area as suggested by the provision of the Elizabethan Poor-law regarding rates-in-aid; this was done at first by special Local Acts—usually for the larger towns—but in 1782 a statute known as Thomas Gilbert's Act enabled any group of parishes to combine for the building or provision of a joint workhouse.

The first serious increase of pauperism on a national scale occurred during the long war which followed the French Revolution. The sudden and enormous increase in the poor-rate which followed was of a type unique in English history; it was almost entirely confined to the relief of the depressed and underpaid agricultural labourers, and was probably, in the main, an artificial creation due to the wholesale adoption of a new system of trickery by the contemporary farmers. When prices rose to such an extent that the agricultural labourers could no longer keep their families on their existing wages, the farmers, instead of increasing wages, adopted the device of supplementing them by grants

out of the rates. Hence the employers got the full advantage of their farm-hands' labour whilst shifting the burden of paying the necessary increase in wages from their own shoulders on to those of the ratepayers in general. They were able to do this because agricultural employers dominated the majority of Parish Vestries, the County Benches of Magistrates and Parliament itself. This system, which—from the place of its first noteworthy adoption in Berkshire—was called the Speenhamland system, quickly spread over all the agricultural districts of the South and Midlands. And this convenient system for the agricultural employers was continued after the years of war were over. But the enormous rise in the poor-rate at last provoked a reaction, and after an unsuccessful attempt to reduce the rates to a reasonable figure by severe restriction of the amounts granted to labourers still in employment, the whole system was overhauled by a Royal Commission whose report formed the basis of the Poor-law Amendment Act of 1834.

Under this Act the system of grants to supplement wages out of the rates was brought to an end. Employers had henceforth either to pay their hands enough to live on or to lose their services altogether, for any able-bodied person receiving poor-relief was to be taken into the workhouse. To administer the new system the whole of the parishes of England were united into groups called Unions, each with a Board of Guardians elected by the ratepayers, whilst to supervise these new local authorities and to see that the reforms were actually carried out a new Government Department—the Poor-law Commission—was set up in London, with a body of inspectors to tour the provinces. As part of the scheme of 1834 workhouses were built in all those parts of England where they had not yet appeared. The name of workhouse had always implied that relief should be granted to the able-bodied only in return for the performance of tasks of work, and the intention of the reformers was to complete

the eradication of unnecessary pauperism by imposing tasks on those who appealed for public assistance and by making the lot of those who entered "the House" as unattractive and hard as was compatible with an avoidance of downright cruelty. The severity of "the principles of 1834" was due mainly to the reaction against the extravagant policy of Speenhamland, which burdened the ratepayers to benefit one particular class of employer and demoralised the labouring classes by encouraging them to rely for a whole generation on their skill in extracting "something for nothing" out of the Overseers of the Poor.

For nearly a century the policy of "the principles of 1834" remained the basis of English Poor-law administration. Its dominant note was the belief that poverty among the able-bodied was due in almost every case to the faults of the sufferers; if a man worked hard, exercised prudence and economy, abstained from drink and gambling, and refrained from rushing into marriage and founding a family before he was in a position to maintain a wife and children, he would never have need of poor-relief; only the cripples and the mentally deficient were likely to want such help from the public funds under a sound administrative system. Hence the insistence of the Poor-law Commissioners, and of the Poor-law Board and the Local Government Board which in turn took over the supervision of the Boards of Guardians, on the "offer of the House", the restriction of relief to a bare subsistence, the deliberate attempts to make the lot of the applicant for relief harder than that of "the lowest paid independent labourer". But this policy proved to be too severe for the ordinary Englishman to carry out. The elected Boards of Guardians, whilst generally agreeing with the principles of 1834 and always anxious to keep the rates down, were constantly tending to relax the severity of the system through sheer humanity, and even the Central Department itself soon abandoned the attempt to enforce the "workhouse-test" on

the whole of English pauperism, and in the North the grant of "out-relief" to poor people in their own homes remained the rule rather than the exception. And as the nineteenth century wore on, there was a constant tendency to improve the conditions under which the paupers in the workhouse had to live. At first it was considered essential to deny the petty amenities of life to the children and the aged, in order to encourage people to provide out of their own resources for their children and for themselves in their old age. But as decade followed decade, and it became apparent that the mass of pauperism, after one big decline following the stoppage of the Speenhamland system, was not reduced by these measures of severity, local administrators began to show a more sympathetic consideration for the unfortunate people who filled their prison-like workhouses.

The children, who could hardly be held guilty of their pauperism, were given more careful attention; some were settled in large boarding-schools under trained teachers, others were boarded out with foster-parents, or were collected in "cottage homes" and "scattered homes" away from the workhouse, where they lived a modified kind of family life under the charge of matrons who sent them off each day to attend the new Board Schools where they could mix on equal terms with the children of more fortunate parentage. The aged were granted little indulgences, freedom from the routine discipline of the "House", a more pleasant diet, liberty to go out for walks and to receive visitors; old couples, who had hitherto been rigorously separated in the male and female wards, were reunited. The sick were given more and more expert medical attention, better hospital accommodation, trained nurses instead of fellow-paupers as attendants, and—after the turn of the century—facilities for the most up-to-date treatment, even including the X-ray. The twentieth century even saw the rooms of some workhouses carpeted, well-furnished and decorated with pictures on the walls. These changes came

about very gradually, and even as late as the twentieth century a good many rural workhouses were still grim prison-houses, but by the time of the accession of King George V the "principles of 1834" were—with the exception of the treatment accorded in many places to the able-bodied unemployed—more honoured in the breach than in the observance. The conditions under which the aged poor lived in the workhouse had in early Victorian times been the subject of heart-rending poems of genuine pathos; even before the reforms which followed the First World War they had become the nonsensical basis of comic ballads. The very name of "Workhouse" was officially supplanted by that of "Institution" in 1913, whilst the "pauper" had become the "poor person".

In 1905 a Royal Commission was appointed to overhaul the whole system of Poor-relief. After a very detailed investigation lasting four years, it reported in 1909. During the investigation it had split into two sections; the majority reported in favour of comparatively mild reforms, whilst the minority—influenced to a large extent by Socialist ideas—advocated reforms which were remarkable rather for their unexpected direction than for their Socialist tendencies. Both parties were agreed that the Boards of Guardians were unsatisfactory organs of administration, and recommended that administration of the Poor-law should be transferred to the normal units of Local Government. The majority, where it struck out on an independent line, tended to emphasise the importance of encouraging private charity as a supplement to public relief. The minority, whose report staggered the Poor-law world and was purchased in larger quantities than any previous report of a Royal Commission, declared the pauper to be a purely artificial creation of routine administrators. Paupers as a class had no unity in real life; there were children, there were old people past work, there were invalids, there were lunatics, there were people out of a job, and all these very different groups of people had been

clumsily thought of for generations as "the Poor in the lump". A sound policy would be to deal with each section apart. The children should be dealt with by local Education Committees, the sick and the mentally deficient by the Public Health Committees, the aged should be relegated to the Old Age Pension scheme recently established, while the unemployed should be maintained under training by the Labour Exchanges. The loafers and cadgers—who, according to the ideas of 1834, formed the bulk of the destitute, but who certainly formed only a small part of the total mass of pauperism in 1909—were fitter subjects for the Police department than for poor-relief.

England would not have been true to her reputation if any action had been taken by Parliament to put into force even the reforms on which the whole Royal Commission were agreed. Though published reports of the Commissioners undoubtedly speeded up the humanitarian movement in Poor-law administration, no legislative action was taken until the year 1929—twenty years after the appearance of the two famous reports. The Local Government Sub-Committee of the Ministry of Reconstruction emphasised the need for administrative reform in its report of 1918, and the subject provoked much discussion during the deliberations of the Royal Commission on Local Government which reported in 1928. Part I of the Local Government Act of 1929 introduced important changes in the system of relief. The Boards of Guardians were abolished; the Counties and the County Boroughs became the new Poor-law authorities; the name of Poor-relief was changed to "Public Assistance". But the most remarkable reform of all was the adoption of the main principle of the minority report of 1909; every County and County Borough had to draw up a report for the Ministry of Health indicating to what extent the Council was prepared to transfer the care of poor persons out of the sphere of the Public Assistance Committees to those of the Education

Committee, the Public Health and Mental Deficiency Committees, and the departments dealing with Maternity and Child Welfare, the Welfare of the Blind and similar services. Such splitting up of the old poor-law unity was not compulsory, but was definitely encouraged by the terms of the Act. It has been acted upon by some, but not by a majority of the new Public Assistance authorities. But the development of this policy in twenty years from the status of an ingenious fad of three Royal Commissioners to the favoured principle of the national legislature is one of the most remarkable phenomena of Local Government history.

PUBLIC HEALTH

The adoption of a deliberate policy of improving the health of the community is a development of the nineteenth century. The connection between insanitary environment and the spread of disease was known to the Middle Ages, and the advantages of having hospitals where sufferers from illness might obtain expert treatment was appreciated from quite early times, but the enforcement of standards of sanitation was left for centuries to casual prosecution of outstanding nuisances, while the provision of hospitals was left to private charity. During the eighteenth century there was being built up a body of sanitary science based on practical experiments, but appeals to make sanitation a national or local duty met with a cold response from both administrators and the public generally. The only occasions when public interest in sanitary reforms could be roused was during the periodical occurrence of a devastating epidemic. And even so, when the epidemic died down the public returned to a state of apathy. The appearance of a new kind of epidemic disease in 1831, when the Asiatic cholera reached England and swept off thirty thousand people, even provoked the establishment in a number of the larger towns of Boards of Health to under-

take measures of prevention and isolation, but as soon as the disease had ceased to claim victims these Boards were dissolved. Seventeen years later the cholera returned, and claimed even more victims, and during the next generation England was visited by periodical outbreaks of this terrible scourge, each outbreak stimulating a further attempt to provide something in the nature of a Public Health service. The attitude of the British public towards Public Health was, in fact, that of the man who refuses to "waste" money on a doctor until he feels himself to be dying, and every advance in public sanitation had to combat a violent resistance from the ratepayers who had to find the money for the necessary services.

In 1848, on the second approach of the cholera, a Public Health Act was passed, conferring special sanitary powers on Municipal Corporations and enforcing the establishment of an elected Board of Health in all areas which showed a heavy death-rate in the Registrar-General's returns, whilst facilitating the establishment of similar Boards of Health in less unhealthy districts. Within the next few years a couple of hundred Boards of Health—including Town Councils that adopted the 1848 Act—became established, but these Boards had jurisdiction over areas containing only about a tenth of the population. It was not till 1872 that the whole of England was mapped out in Sanitary Districts, the duties of action being as far as possible allotted to the existing local authorities—Municipal Corporations, Boards of Guardians and the existing Boards of Health. Meanwhile powers of action for those authorities that wished to adopt a forward policy in Public Health had been provided by various Statutes, particularly by the Sanitary Act of 1866, and in 1875 English sanitary law was consolidated in the great Public Health Act which formed the basis of our Public Health system down to 1936. Even in 1875 it was possible for the Government that introduced this great consolidating measure to be sneered at for its "policy of sewage", but from this time on-

wards public opinion began to undergo a rapid change in its attitude to Public Health questions, and Disraeli's adaptation of a Latin phrase, *Sanitas sanitatum, omnia sanitas*, found an increasing body of enthusiastic supporters. The serious revelations of the army doctors as to the national standard of health displayed by the examination of recruits for the Boer War of 1899 and the Great War of 1914 provoked an intensification of the Public Health movement, and the deliberate adoption of the name "Ministry of Health" for the reconstructed Local Government Board in 1919 marks the triumph of what Edwin Chadwick and other reformers of early Victorian days called "the sanitary idea".

Public Health services may be roughly classified according as attention is concentrated on the individual or on environment. At first the problem was of such a gigantic nature that environmental reform presented the obvious field for action. The uncontrolled development of the new urban centres of the Industrial Revolution had resulted in English towns becoming from a sanitary point of view great Augean stables of filth and disease. The elementary problem of the removal from the normal environment of town-dwellers of accumulations of offensive and disease-breeding sewage and refuse called for the labours of a Hercules. Slowly and steadily this gigantic task of reform has been carried out under the supervision of trained and professional Medical Officers of Health and Sanitary Inspectors; cesspools have been regulated to remove their most insanitary features, pipe-sewerage has been introduced throughout the urban centres, the water-flush system of sewage-removal has been made universal in all towns and the final reduction of sewage to harmlessness has been achieved in hundreds of areas by the construction of scientific sewage-farms and sewage-works. Sanitary Inspectors have carried on a ceaseless warfare against nuisances caused by the accumulation of refuse of all descriptions, whilst the local authorities have instituted regular services of refuse collec-

tion and removal and have effectively disposed of the accumulated masses of garbage by incineration or scientific burial. Incidentally these necessary sanitary services have been turned into a source of harmless profit to the community; municipal electricity power-stations have had their dynamos driven by fuel provided from municipal dust-carts, and buildings have been lighted by gas produced in municipal sewage-works. As a supplementary service to the removal of sewage and refuse, the amenities of the streets have been improved by the institution of regular scavenging services in urban areas.

A further problem of gigantic size and of enormous importance has been the provision of an adequate and pure water supply. Early Victorian towns suffered greatly from inadequacy of supply, but the evils arising from polluted sources of supply were more serious. The provision of adequate supplies has been left partly to private enterprise, but in the decade before 1939 many millions a year were spent by local authorities on municipal waterworks. A systematic and thorough periodical inspection and testing of all water supplies now ensures a high standard of purity, whilst the special legislative provisions of 1876 laid down in the Rivers Pollution Prevention Act protect the sources from which many waterworks draw their supplies. In the provision of adequate supplies for the larger urban centres municipalities have sometimes gone to great labour and expense. The City of Manchester draws a large part of its water supply from the lakes of Cumberland and Westmorland seventy and eighty miles away; Birmingham draws its supplies from Welsh lakes seventy miles away; Leicester taps the river Derwent sixty miles away; Liverpool uses the water of lakes in Montgomery fifty miles away. London still finds the supplies brought to it by the Thames and the Lea adequate to supplement its local spring-water for the provision of its 300,000,000 gallons a day.

The securing of a standard of quality compatible with Public Health in the food supply forms one of the most important duties of the local authorities. There are two parallel lines of action in this service; the Public Health Acts of 1875 and later years give one set of powers, the Food and Drugs Acts—consolidated in 1928—give another set of powers. Sampling officers—usually the Sanitary Inspectors—maintain a constant system of examination and testing of foodstuffs exposed for public sale, whilst the Public Analysts carry out thorough investigations into thousands of samples during the year. The protection of the Public Health is combined in this service with a certain amount of protection against fraud, for if analysis proves that foodstuffs sold to the public are not of the nature, substance or quality demanded, action is taken against the offending tradesman. This aspect of the service, which links up with the activities of Inspectors of Weights and Measures, is very much older than the Public Health aspect; the protection of the public against frauds of this description takes us back to the Assize of Bread and Ale in the Middle Ages, and has a long history running through such statutes as the Adulteration of Coffee and Tea Acts of 1718, 1724, 1730 and 1776, the Act against "sophisticated hops" in 1733, and the Bread Acts of 1822 and 1836. In the reports of the Public Analysts there therefore appear, not only cases of food being offered to the public in a deleterious condition, but instances of "pepper" being composed mainly of rice starch, margarine being sold as butter, and even of "steak and kidney pudding" containing no kidney.

The most stringent regulations in connection with the food supply are those relating to meat and milk, both articles which are in a high degree liable to act as conveyors of infection, particularly in regard to tuberculosis. Inspection of cattle begins on the farms, where the application of the tuberculin test to milk and the inspection of the animals are carried

out by officers of the local authorities. There are further precautions taken when animals are slaughtered. Every slaughter-house has to be registered; every person who acts as slaughter-man has to be licensed. To encourage owners of diseased animals to report suspected cases to the authorities, compensation is paid in the case of all tuberculous cattle voluntarily reported to the inspector. To facilitate supervision local authorities are now providing public slaughter-houses in many districts; 250 of these public abattoirs are now in existence. Some municipalities have gone further, and by Local Act have obtained power to insist on all slaughtering being done in the municipal abattoir: in one case thirty-nine private slaughter-houses have been thus replaced by one public institution, compensation being paid to the owners for the closing of the others. Local authorities may, under certain conditions, provide cold storage accommodation in connection either with slaughter-houses or with markets.

The provisions for inspection and supervision in the milk trade are extremely detailed and thorough. Milk may be held up and inspected on the farms, in transit on the roads or the railways, at the dairies and milk-shops, and even at the customer's doorstep. Since milk is peculiarly susceptible to picking up infection, dairymen may be compelled by local authorities that choose to enforce the regulation to report to the Council all cases of infectious disease among their employees, whilst the Council also have power to compel the dairyman to disclose all the sources of his supply of milk during the six weeks before the demand is made. All milkmen selling from carts in the street must have their name and address displayed on their carts, and the same regulation applies to the receptacles in which milk is delivered at houses. Since 1921 there has been an official system of guaranteeing the purity of milk by means of the special designations of the Ministry of Health. The nomenclature adopted was some-

what confusing, for "Grade A"—which many people imagined to be the best quality—was the lowest of three standards of guarantee, of which the others were known as "Grade A, Tuberculin Tested" and "Certified". There was also a special class for "Pasteurised" milk, where sterilisation has been effected by heating to 145° F. The basis of this classification is the number of bacteria traceable in the particular supply, for food may contain an absolutely large number of bacteria to the cubic centimetre without injuriously affecting the constitution of people in good health. The public did not respond very enthusiastically to this attempt to supply guaranteed milk, and as regards the two higher grades, comparatively few dealers applied for licences to sell them. The herds from which the special supply of these guaranteed milks is drawn must be kept apart on the farms and in the milking-sheds, and there have been a number of prosecutions for breaches of this regulation. The effects of the Acts relating to milk supply were, however, rather disappointing. In some districts—particularly the Rural Districts where strict supervision is most needed—there was very little serious attempt to provide efficient control. This was due partly to the inadequacy of the staff of inspectors operating in large County areas, partly to the unwillingness of farmer members of Rural District Councils to enforce the regulations on the owners of herds. The Ministry of Health reported in 1931 that in a thousand cases of children under fifteen years of age dying of tuberculosis during the year the infection was directly traceable to tuberculous milk. In 1945 the inspection of milk on farms was transferred to the Ministry of Agriculture, whilst there have been some alterations in the special designations of guaranteed milk.

Another great branch of the Public Health service is concerned with infectious disease. The Public Health Act of 1875—revised and consolidated in 1936—gave local authorities wide powers of dealing with epidemics on their appearance, whilst

in normal times the local Councils are armed with a variety of powers to deal with cases of infectious disease as soon as they appear. The first step in dealing with this problem is to secure certain and early notification. Since 1899 it has been compulsory throughout England to notify the local Council immediately on the outbreak in any household of any one of thirteen infectious diseases, a number which can be added to with the consent of the Ministry of Health. On receipt of notification, enquiries are made as to the persons, places and things with which the patient has been brought into contact whilst sickening for the illness, and steps are immediately taken to follow up the information provided by notifying schools, factories and workshops where others may have become infected through contact with the first patient. For instance, outbreaks of infectious disease among the hop-pickers in Kent are notified to the sanitary authorities of the districts from which the patients come, so that enquiries can be carried out at their homes with the view to tracing or checking further infection. Then there is a series of regulations for securing the effective isolation of patients, against taking infectious patients through the public streets or into public vehicles, against throwing infected material into dustbins, against the using of public library books by infectious patients. Still further, if patients cannot be kept effectively isolated in their own homes, they may, on the certificate of a doctor and the order of a magistrate, be compulsorily removed to hospital.

Every part of England must now be provided with adequate accommodation for infectious patients in isolation hospitals. The power to provide such hospitals was given to local authorities as early as 1875, and in 1893 the Isolation Hospitals Act encouraged County Councils to provide institutions in those areas where accommodation was lacking. But though this statute enabled County Councils to initiate comprehensive schemes for their areas if they so desired and

also provided means for the inhabitants of County districts to urge the County Council to take action, action was not compulsory. The Local Government Act of 1929, however, ordered all County Councils to draw up complete schemes for the provision of isolation hospitals to deal with patients from every part of their areas, and empowered the Ministry of Health to enforce adequate provision in the the event of the County schemes not going far enough. The new schemes were nearly all completed by 1939, and were for the most part ably drawn up, but the prospective transfer of the hospital services to the Ministry of Health under the legislation of 1946 makes it probable that hospital organisation will soon cease to form part of the normal activities of Local Authorities.

The concluding stage of dealing with infectious cases is disinfection. The local authority has to see to it that after the patient's recovery or removal the premises are properly disinfected, and this applies to both the premises and their contents, compensation being provided for any "unnecessary damage" done in the process of disinfection. Most Councils that undertake this service now run a steam disinfector or similar apparatus, the furniture and goods being removed in a special fever-van and exposed in the machine to vapourised disinfectant. There are special penalties imposed for allowing houses or rooms to be let, after infectious disease, without proper disinfection. The large County Boroughs maintain a special staff for disinfecting work. Somewhat akin to the activities in connection with disinfection is the provision of facilities for dealing with vermin. Under the Cleansing of Persons Act of 1897 local authorities were enabled to give free treatment to those people who had become verminous in their persons or clothes and who voluntarily asked for treatment. Powers of compulsory action were conferred as regards houses and property by the 1925 Public Health Act, and the same extension of powers could be applied to persons on the order of the local magistrates.

The Education Act of 1921 confers somewhat similar powers of action on the Medical Officers of Education authorities. The remarkable improvement in this department of activity is shown by the medical reports from the schools. In 1910 30 per cent. of the children in rural elementary schools were found to have verminous heads, whilst the proportion among urban children was no less than 50 per cent. The general average of urban and rural schools in 1926 had been reduced to 6 per cent.

Special attention has been devoted by local authorities to certain forms of infectious disease. The most prevalent of all infectious diseases in the eighteenth century was smallpox; at the end of the century it was computed that 95 per cent. of the whole population had suffered from it. The discoveries of Dr Edward Jenner were taken up by the London Smallpox Hospital in 1798, and from that date vaccination spread rapidly. In 1840 the Boards of Guardians were enabled to vaccinate free of charge, and in 1853 vaccination was made compulsory. The efficacy of vaccination has always been to a certain extent a matter of controversy, and the Act of 1853 led to a violent opposition by the anti-vaccinators. The problem of the "conscientious objectors" to vaccination has led to a Royal Commission in 1889 and amending legislation in 1898, and the easing of the regulations which has ensued has greatly reduced the number of vaccinations. At the present time exemptions are granted to conscientious objectors in respect of 47 per cent. of the children born, whilst another 15 per cent. manage to escape vaccination for other reasons. As regards the efficacy of vaccination, it was pointed out by the Royal Commission of 1889 that since 1837 the death-rate from smallpox had been reduced by 99 per cent., but the anti-vaccinators have always refused to admit that this decrease in the destructive effects of smallpox has been due to vaccination.*

Specialist attention to the scourge of tuberculosis was not

* The Health Services Bill of 1946 proposes to make vaccination entirely voluntary.

provided by local authorities until the twentieth century. A few towns had arranged for the notification of this disease as infectious, but the great progress in the treatment of "T.B." was made outside the municipal service. Birmingham opened a municipal sanatorium for consumptives in 1907, but no general interest in the provision of curative institutions was shown by local authorities until after the Prevention and Treatment of Disease Act of 1913 facilitated the establishment of specialised treatment for tuberculosis. Meanwhile a mass of rules and regulations had been issued to prevent the spread of the disease through infected meat and milk. After the Great War, however, a big concerted effort was organised by the Ministry of Health. By the Tuberculosis Act of 1921 every County and County Borough was obliged to establish a special Tuberculosis service, treatment being brought within the reach of all sufferers by means of a triple system of dispensaries for mild cases and suspects, sanatoria for more advanced cases, and hospitals for extreme cases. To this organisation there could be added After-care Committees to watch those patients who had been cured, in order to prevent relapses. There are now more than 450 municipal T.B. dispensaries in England, to which forty established by voluntary subscriptions must be added. There are 170 municipal sanatoria and 120 voluntary ones. Special T.B. hospitals number forty municipal and one voluntary, whilst about 180 of the voluntary hospitals have T.B. wards. Though the death-rate from tuberculosis now stands lower than at any previous time, there are still more than 50,000 fresh cases notified every year.

Another recent development of special services in connection with infectious disease deals with venereal diseases. Special action was taken to deal with these diseases in the garrison towns and naval bases under the Contagious Diseases Act of 1864, but after many years of controversy, during which the original statute was amended three times,

the whole system of intervention, which in those days was very imperfect, was abandoned in 1886, when the Acts were repealed. There followed a generation famous for its "conspiracy of silence", when public reference to these peculiarly offensive diseases was largely tabooed. Two factors drew public attention once more to the question after the outbreak of the First World War; the first was the discovery by Ehrlich of a new form of curative treatment, the second was the discovery by army doctors of the serious prevalence of venereal diseases among recruits. A special Act was passed to prevent unofficial treatment of "V.D." by advertising quacks, and the new special service recommended by a Royal Commission which reported in 1916 was supplied under the provisions of the Public Health Acts. A Government grant amounting to 75 per cent. of the expenses involved encouraged immediate action. Continuous work at nearly 200 centres in England reduced this type of disease by nearly 25 per cent. in the fifteen years after 1920, the reduction for syphilis, by far the most destructive of these afflictions, being as much as 50 per cent. War conditions always tend to increase the incidence of these diseases, and between 1939 and 1943 notifications of new infections increased by 139 per cent. The deterioration has been checked, but much work remains to be done.

Whilst special attention has been devoted by local authorities to infectious disease, comparatively little provision has so far been made for the treatment of other forms of disease. Diseases readily communicable to others have naturally a greater claim on the attention of public authorities than any others, whilst the enormous and highly efficient work done by the hospitals built up by private charity has been held by many to make the municipal provision of general hospitals unnecessary. But though some areas are well and fully served by the voluntary hospitals, in others the accommodation available in these charitable institutions is inadequate to the demand, and there is a real need for muni-

cipal action if satisfactory hospital treatment is to become available for all those who need it. The position of many voluntary hospitals, too, is financially precarious. Those municipal hospitals which have been built have provided a very high standard of service, and such institutions as the Liverpool City Hospital, with its seven separate buildings containing in all a thousand beds, are models of efficiency. With the transfer of the Poor-law institutions to the Counties and County Boroughs by the Act of 1929 a very large number of former workhouse infirmaries were placed at the disposal of these local authorities, and in accordance with the intentions of the Ministry of Health many of these have been converted into municipal hospitals completely dissociated from the Public Assistance service. The Ministry in 1935 concluded a complete survey of the hospital services of all the Counties and County Boroughs, and gave a further impetus to the de-pauperisation of these treatment centres by its reports and suggestions.

Yet another modern development of the Public Health services has provided special treatment for infants and their mothers. From the year 1902 a series of statutes has made provision for the training and certification of midwives. The importance of securing an efficient supply of these nurses is indicated by the fact that at least 60 per cent. of all the births in England are attended by members of this profession. Parallel with the legislation on midwives and nursing homes there was a reinforcement of the laws relating to the notification of births, and to one of these latter statutes in 1915 there was tacked a provision enabling local authorities to appoint a special Committee to concern itself with the welfare of nursing mothers and their infants. The Maternity and Child Welfare Act of 1918 established special Committees in the County Councils to supervise this service, and with the aid of a grant of 50 per cent. of the expenses involved schemes have been drawn up and put into force all over the country. At the

present time, besides those in force in every County and County Borough, special schemes are being applied in nearly 250 County districts. Between them they have provided over 1900 ante-natal clinics, nearly 4000 infant welfare centres, and nearly fifty research centres. The results of the combined statutes relating to maternity and child welfare may be seen in the reduction of infantile mortality—deaths during the first year of life—from 15 per cent. of the births in 1900 to just over 4½ per cent. of the births in 1944. There has, however, been no corresponding improvement in the incidence of deaths following childbirth, and a strong report of a Departmental Committee of the Ministry of Health in 1932 drew attention to this fact and declared that it was believed that half these deaths were avoidable. Since that date the annual returns show continuous and marked improvement.

A considerable amount of Public Health work is carried out under the direction of the Education Committees. The Board Schools were for long mainly concerned with mental rather than physical development, though drill always found a place in the curriculum; medical inspection was in the nineteenth century almost entirely confined to investigations regarding infectious disease and vermin. The agitation for an improvement in the physique of the nation following the reports of the army doctors who examined the recruits for the Boer War led to the establishment of a more comprehensive medical service in the schools, and since 1907 all schools run by local authorities must have regular periodical medical inspections. There are now 2300 School Medical Officers, aided by 2300 school nurses. The Provision of Meals Act of 1906—a most controversial measure at the time of its discussion—gave facilities for the adequate feeding of the children of those parents whose poverty made it impossible to secure nourishment of sufficient quantity and quality for the building up of a healthy constitution. The Education Committees in some towns also provide special schools for

defective and epileptic children, many of them run under such conditions of open air as the British climate allows.* The Public Health services are also supplemented by the work of the National Health Insurance Committees in each County and County Borough, Committees on which the local Council have one-fifth of the seats.

The Public Health services have grown to such an extent as to completely overshadow the activities concerned with the provision of amenities which formed a conspicuous part of the work of the Boards of Improvement Commissioners established in the towns of eighteenth-century England. Scavenging and refuse removal have become departments of the Public Health service, lighting and paving of streets have been undertaken by the Highways Committees, whilst all police work is now under the charge of the Watch Committees and Standing Joint Committees. A number of other amenities are directly related to Public Health, such as the provision of parks and open spaces to act as "lungs" of the urban centres and to give facilities for open-air sports and games, and the construction of swimming-baths and bathing-pools. To a less degree the provision of mental recreation by means of municipal orchestras, bands and concert-parties concerns the health of the people and justifies the inclusion of legislative provisions respecting these services in the various Public Health Acts.

A further Public Health activity which is usually controlled by a separate Committee is concerned with Housing. The evils of overcrowding have been one of the most serious banes of the health of town-dwellers for a century, and in spite of numerous attempts to deal with the problem by legislation it is still an acute one in many English cities. As early as the year 1851 Lord Ashley's Labouring Classes Lodging-Houses Act enabled Parish Vestries to borrow funds for the construction of what we should now call

* The 1944 Education Act has made both the establishment of schools for defectives and the provision of meals compulsory.

EDUCATION

Though proposals for making Education a Local Government service paid for out of the rates were made in Parliament on a number of occasions from the year 1807 onwards, no Bill for this purpose was successful until 1870, when Gladstone's Government secured the passing of an Education Act under which a series of new local authorities for the provision of schools was created. In any district where the Central Government Department considered that there was not enough school accommodation for the whole juvenile population between the ages of five and ten, that Department was given the power to organise an elected School Board. The normal unit was to coincide with the Borough or the Parish, but power was given to the Department to unite towns and parishes into larger units. The Boards were to be elected by the ratepayers, but if an elected Board failed to perform its educational work in a satisfactory manner, the Department was given power to supersede it by a Board of Commissioners appointed by Whitehall—a provision which, though never actually carried out, formed a precedent for the similar provision regarding Boards of Guardians enacted in 1926. In the course of the next few years Board Schools were established over the greater part of England, supplementing the already very large number of cheap schools founded by religious and charitable bodies. The burden on the rates was at first eased by the charging of small fees in the Board Schools, though power was given to remit these fees in cases of poverty. It was not till twenty years later that the principle of free education in the Board Schools was made universal, by the Education Act of 1891.

When people spoke of the national system of Education in the nineteenth century, they almost always thought in terms of elementary schools. In 1889 local authorities were given power to spend a limited amount out of the rates on

"higher" education, but no serious attempt was made to include much more than the elements of learning in the curriculum of the Board Schools. The "three Rs"—reading, 'riting, and 'rithmetic—were the main end of popular education. Towards the end of the century, however, there arose a demand that public provision should be made for more advanced studies and for an extension of the period of schooling. At the same time other reforms were discussed aiming at increasing the efficiency of the existing elementary schools. The whole administrative system was recast in 1902, when a new Education Act abolished the School Boards and transferred the control of the Board Schools to the Councils of Counties and County Boroughs, though making a large number of exceptions in favour of smaller towns. An Education Bill introduced by Sir John Gorst in 1896 transferring powers simply to the Counties and County Boroughs had been defeated by the opposition of members representing the smaller towns, and this opposition was disarmed in the Act of 1902 by the provision that all Boroughs with a population of 10,000 in the recent census of 1901, and all Urban Districts with a population of 20,000, should have the right to run their own elementary schools. The privilege was extended to all towns of similar population that obtained the status of Borough or Urban District in future years, so that the creation of a new Borough sometimes involved the separation of the educational administration of the town from that of the County. These little independent enclaves within the Administrative Counties became known as "Part Three Authorities", from the Part of the Education Act which dealt with Elementary Education. The Act of 1902, however, for the first time gave local authorities the power to run secondary schools for adolescents, and since this was a new privilege and there were no vested interests to consider, the Counties and County Boroughs were the sole authorities for this department of Education.

The rapid development of secondary education soon made the division of responsibility and authority between County and County District an anomaly and a hindrance to effective development, for in the privileged Boroughs and Urban Districts there was little attempt to co-ordinate the work of the two kinds of school. There was much argument on the question of the separate Part III authority, some reformers advocating the transfer of secondary powers to the small authorities and others advocating the transfer of elementary powers to the Counties. An Act of 1931 stopped the creation of any more Part III authorities, but it left untouched those Councils which up to that date had claimed the privilege of independence under the 1902 Act. The extension of the school-age to fifteen made the co-ordination of primary and secondary schools imperative, and the Education Act of 1944 abruptly swept away all the separate Part III authorities, though a ghost of the former system remains in the retention of the Councils of the larger Municipal Boroughs and Urban Districts as administrative agents of the County Council schemes. Within the framework of the County schemes local Committees, called "Divisional Executives" deal with a host of minor questions arising out of the application of the Act, the favoured "ex-Part III" Councils exercising the functions of Divisional Executives in their own areas. County Boroughs remain independent authorities.

Educational problems within the framework of the local authorities have led to great divergence of practice and to considerable political controversy, for, as in the case of Poor-law administration, the great political parties have tended to crystallise opinion round two opposing poles. Socialist opinion has always made much of schooling and has demanded expansion of service all round—more schools, more equipment, more teachers, more subjects taught, the extension of the school-leaving age, better qualified teachers with better pay to attract them into the service. Conservative opinion

started with opposing all spending of the ratepayers' money on popular education, and—as in the parallel development of Municipal Trading—though rarely going back on changes already carried through Parliament, has generally opposed each successive extension of the rate-supported educational service. This crystallisation of opinion under the banners of political parties has to a certain extent served to prevent natural development; enterprising Councils that have felt inclined to add to their services have held back through loyalty to the Conservative policy and through fear of encouraging "Socialism", whilst economical Councils have sometimes verged on extravagance through feeling it a duty to follow the Labour policy of extended educational services. Exactly the same distortion has been observed in the fields of Poor-law and Municipal Trading. There is, however, a remarkable harmony in the attitude of local Education Committees of all shades of opinion. Education Committees must contain some co-opted members, including at least two women, though the majority of the Committee must consist of members of the Council. There has been some controversy over the inclusion of teachers in the employ of the Council among the co-opted members, since they are thus enabled to vote on matters which affect their own conditions of work, but the restriction of the co-opted element to a minority of the Committee and the overriding financial control exercised by the Council are regarded as sufficient safeguards against abuses arising from this provision. Little fault can be found with either the Education Committees or the Divisional Executives on the score of desire for progress, but the vastly enhanced cost of the service makes such progress depend to an increasing extent on generous grants-in-aid from the Exchequer.

One of the big national educational controversies has centred round the school-leaving age. In 1870 the ages for compulsory schooling were fixed at from five to ten in some

areas, though under certain circumstances children could be kept at school till the age of thirteen; there was no power to insist on effective regulations of this kind until 1880. In 1893 the minimum age for leaving was raised from ten to eleven, and in 1899 from eleven to twelve, exceptions being granted for children employed in agricultural work. Next year, 1900, there was a two-year jump upwards to fourteen, but considerable powers of granting exemption were left to the School Boards. The Education Act of 1918 gave local authorities the power to raise the school-leaving age to fifteen. Half a dozen Councils adopted the fifteen-year-old limit, but in each case so many exemptions have been granted as to make schooling over fourteen the exception rather than the rule. The 1918 Act also permitted the establishment of what were termed "Nursery Schools" for infants of from three to five.* An Act of 1936 provided for the extension of the school-age to fifteen for all pupils who could not find wage-earning employment at fourteen, but owing to the approach of war the Act was suspended, and the new Act of 1944 fixed the age at fifteen without exceptions, and provided for a further advance to sixteen by Order in Council, which must be submitted to Parliament. This Act also provided for part-time education for workers up to the age of eighteen.

As regards the type of instruction given in the Council schools, the central Department has always left great freedom to the local authorities to develop curricula and methods in their own way, provided that adequate progress in "the three Rs" was achieved. One of the great controversies of the past was concerned with the system known as "payment by results". Under this system, which was established in 1861, before Education came under the control of local authorities, the amount of grant received from the national Exchequer depended on the results of annual examinations in reading, writing and arithmetic. A minimum "standard" was fixed for each class in the elementary school, and every pupil who

* The provision of Nursery Schools where demanded by parents was made compulsory by the 1944 Act.

failed to pass the tests caused the loss of one unit of grant. "Payment by results" was abandoned in 1895, and has since been the theme of scornful denunciation by educational writers. There is, however, a good deal more to be said in its favour than is usually recognised to-day. It must be remembered that at the time when the system was instituted inefficiency in instruction and carelessness in enforcing school attendance led in a great number of schools to a very low standard of attainment in elementary learning; the great need of the schools of that time was a sound system of establishing the groundwork of education as represented by "the three Rs". And "payment by results" did lead to a certain improvement. Its main drawback lay in the fact that it encouraged head-teachers, in order to earn the maximum grant, to concentrate on bringing the dull pupils up to "standard" to the neglect of the more advanced instruction for which the brighter pupils were ready. The classes in elementary schools even became known as "standards", a child indicating his position in the school by saying that he was in "standard IV" or "standard V". The claim to grant now depends on the Government inspectors' reports on the general efficiency of the school, but since the abolition of "payment by results" there have been many cases of complaint that the uncomfortable boot has been transferred to the other foot, inasmuch as in some schools the dull children have been neglected in favour of the more interesting work of teaching the brighter children. And the low standard of attainment in "the three Rs" displayed by many elementary school-children of to-day has led to some belated expressions of sympathy for those who placed their trust in payment by results.

As regards the curriculum and the methods of teaching, there has been a great expansion in the number of subjects taught both in elementary and in secondary schools, whilst there has been much experimenting with new methods. But the main body of the curriculum and the methods used by the

great majority of teachers have remained essentially the same. The field of discussion and of experiment has so far been confined within comparatively narrow limits. The mere amassing of knowledge by the pupil—a knowledge which in the vast majority of cases can be only temporary—is still too much the aim of practical educationists, particularly in secondary schools. The curriculum in many cases is still overloaded with instruction in subjects which are almost useless to the majority of those who have to learn them. The principle that every pupil must study every subject in a cast-iron curriculum, with little or no option between subjects either for the pupil or for the parent, is still the rule. And the failure to attack these traditional principles of schooling has led to what clear-thinking people recognise as the greatest educational failure of all—the failure to eradicate, in spite of some modification of its virulence, the traditional spirit of warfare between teacher and pupil. The modern schoolboy may not "creep like snail unwillingly to school"—though unpunctuality in arrival is by no means unknown—but he gives his loudest cheers for the announcement of a holiday. There have been vast improvements in school-buildings, in equipment, in the type of teacher, in administration, and in the subsidiary services which link up with the Public Health department; the essential improvement in the spirit of education, by which the system will become based on the principle of guiding the willing worker instead of on that of veiled coercion, is yet to come.

The original Board Schools devoted their attention almost entirely to the development of mental acquirements, particularly to what is generally called "book-knowledge". This was supplemented, particularly in those religious and charitable schools which found themselves obliged through lack of adequate funds to submit to the control of the local authorities, by care for the moral and spiritual development of the pupils. The question of the relative spiritual value of

the religious teaching provided by the different sects has on various occasions been debated with the most acrimonious violence by adult partisans, whilst the pupils of each sectarian school continue with sublime indifference to draw maps of Palestine and to hand up answers containing original doctrines concerning the career of "Moses the Baptist" and other apocryphal characters. But the School Boards soon began to realise the importance of physical training, and organised physical drill became an essential part of the curriculum of the elementary schools. The revelations of the army doctors on the subject of the national physique as displayed by recruits for the Boer War of 1899 led to the establishment of the highly efficient School Medical Service in 1907, worked in many places in close co-operation with the Public Health department. It had already been established as a result of a Departmental enquiry that many children came from such poor families that they were chronically underfed, and that this undesirable factor largely nullified attempts at both physical and mental training. Hence the proposals for the provision of cheap or free meals at the schools, resulting in the School Meals Act of 1906. This measure, introduced by the Liberal Government of Campbell-Bannerman, provoked a storm of political controversy; the Conservative Party strongly opposed the Bill as seriously weakening parental responsibility—the supporters of the Bill retorted with charges of "child-starving" against their opponents. The Act limited the expenses of providing free or cheap meals to the produce of a three-halfpenny rate, but this amount was supplemented in many necessitous areas by voluntary subscriptions. Under the 1906 Act the provision of meals was confined to the school terms, and it was found that many children suffered in health through a reversion to inadequate feeding during the holidays. The School Meals Act of 1914 enabled the local authorities to continue the activities of their catering departments during holidays. During the distress which followed

the financial crisis of 1931 a careful enquiry was made into the physical condition of the elementary school-children in the most necessitous areas of England, and the results showed that, in spite of "a systematic search for under-nourishment and malnutrition", serious cases of insufficient feeding represented in nearly every district less than 1 per cent. of the total number of children. The school meals service became compulsory in all areas under the Education Act of 1944. The School Medical Service deserves the highest credit for its successful work, which has now been carried on for more than a third of a century. Local authorities may claim that in their educational service they have not forgotten the latter part of the maxim, *Mens sana in corpore sano*.

CHAPTER IX

EXTENSION OF POWERS

BY-LAWS

THE rule of *Ultra Vires* is one of the cardinal principles of English Local Government. But the activities of local authorities are capable—in theory—of indefinite expansion by means of Local Acts of Parliament. In between the strictly limited field of action allowed by statutes of universal application and the wide range of the Local Act there lies an intermediate field, where extension of function is permitted to such local authorities as adopt certain methods of procedure less difficult and less expensive than procedure by way of Local Act. Entrance to this intermediate field is obtainable by following procedure which has been laid down in general statutes, the essential difference between the new powers and the old being that the latter are regarded as the normal powers of local authorities whilst the former are applicable to only some local authorities, the decision as to which authorities are to enjoy the extra powers being entrusted, in most cases, to some authority other than the Council specially concerned. These intermediate methods of adding to normal powers may be grouped under the headings of By-Laws, Adoptive Acts, and Provisional Orders.

By-laws are a form of minor legislation entrusted to local Councils, and are permissible to all local authorities from the County Council down to the Parish Council under various statutes, though there are grounds for believing that the name is derived from the idea of Borough-law, local legislation originally confined to English Boroughs. Some By-laws are restricted to one type of local authority, and in the case of a good many of those normally permissible to Urban

authorities, power to adopt may be extended to Rural District Councils by permission of the Ministry of Health. In some cases the making of By-laws is compulsory, though exactly what By-laws shall be made is left largely to the discretion of the authority; certain local authorities have to make By-laws regarding Education and Housing. There are also examples of minor legislation which go under the official name of Regulations, which differ very little from By-laws. The scope offered to local Councils by the power of making By-laws is in practice very narrowly limited by the statutory necessity of obtaining confirmation by a Government Department before they come into force. The Ministry of Health supervises all sanitary By-laws, the Home Office supervises police regulations, known from of old as "By-laws for good rule and government", whilst the Board of Education, the Ministry of Transport and the Ministry of Agriculture are the controlling authorities for the confirmation of other regulations.

The procedure as regards By-laws—though not necessarily for "regulations"—is for the Council to draw up a draft code of laws on the particular subject and then to advertise in the local newspaper that it is proposed to adopt such a code, copies of the draft being open for inspection at the offices of the Council. A month is given during which any person or body of persons that may object to any of the proposed By-laws may put in a protest to the appropriate Government Department, and after the lapse of this month the code is considered in Whitehall, which has power to reject any part of it. When the code has received departmental sanction it is put into force and becomes part of the law of the district concerned. But even the confirmation of a code of By-laws by Whitehall does not necessarily legalise it. The Courts may declare a By-law of no effect on any one of four grounds. In the first place, a By-law must not conflict with the general law of the country; thus, a By-law legalising lotteries cannot override

the provisions of the general lottery legislation of England. Secondly, By-laws must be clearly worded so as to avoid doubt as to their meaning; the Courts have dismissed prosecutions under some By-laws on the ground that it was difficult to understand exactly what they meant. Thirdly, no By-law is enforceable if it can be shown to prevent a trader from doing otherwise legal business; thus, if a By-law resulted in transferring hawkers to streets where they could reasonably be expected to sell their goods, the By-law would be upheld, but if it prohibited all hawking of goods throughout the district it would be ruled out by the Courts. Finally, the Courts have on occasion refused to enforce a local By-law on the broad ground that it was unreasonable. Thus, a By-law which insisted on seaside bathers wearing early Victorian bathing-costumes would probably be ruled out on an appeal to the Courts—if it managed to obtain sanction from Whitehall. The maximum penalty for the breach of By-laws is dictated by the terms of the Acts under which power to make such By-laws is conferred; the usual maximum is five pounds.

During the last half-century the Government Departments have secured a large measure of uniformity in local By-laws by the publication of sets of model By-laws covering the various fields of local legislation. Model By-laws can now be obtained for most, though not for all, of the statutory cases. Most local authorities above the rank of a Parish have from a dozen to a score of different sets of By-laws in force; they cover such varied subjects as removal of house refuse, maintenance and cleansing of cesspools, common lodging-houses, the keeping of animals, offensive trades, slaughter-houses, hop and fruit pickers, tents, vans and sheds used as dwellings, the smoke nuisance, advertisement hoardings, conduct in pleasure grounds, housing estate rules, rules regulating attendance at elementary schools, dairies, cow-sheds and milkshops, registries for domestic servants, luggage

porters, public bathing, new streets and buildings, nursing homes, and public mortuaries. Regulations of a similar nature to By-laws exist in connection with the parking of vehicles in streets, street traffic, the sale of petrol, public conveniences, and other subjects.

ADOPTIVE ACTS

The Adoptive Act is not merely one that contains provisions which may be put into force at the option of the Council; the distinction between "may" and "shall" is to be found in the sections of a very large number of ordinary Local Government Statutes. The special characteristic of the Adoptive Act is that it needs a special procedure before it comes into force. This procedure differs considerably from Act to Act, for it is one of the prominent characteristics of English Local Government legislation that uniformity in minor procedure seems to be studiously avoided. The only universal rule in regard to Adoptive Act procedure is that notice of an intention to adopt has to be given to the inhabitants by advertisement in the local press. In the case of the Public Health Act of 1890 notices have also to be affixed to the doors of churches and chapels, whilst in that of the Infectious Diseases Prevention Act of 1890 handbills had to be distributed. Some Adoptive Acts require a special meeting of the Council for the purpose of adoption, the time that elapses between the issue of notices of summons to members differing with different Acts. Parish Councils that wish to avail themselves of Adoptive Acts have to submit the matter to a meeting of Parish electors for confirmation. There is in some cases a necessity for the Council concerned to obtain sanction from a Government Department.

There are several adoptive Public Health Acts, whilst there are others relating to public libraries, the making-up of streets, museums, street lighting, gymnasia, cemeteries and

open spaces. Adoptive sections may be intermixed with sections of universal application in the same Act, the 1925 Public Health Act being the most prominent example of this. Of this statute Part I applies without adoption to all sanitary authorities; Parts II to V are adoptive by certain authorities, certain sections requiring the sanction of the Ministry of Health; Part VI may be adopted by such authorities as have already adopted another of the Adoptive Acts, namely the Public Health Act of 1907. The whole of Part IV can be adopted by all urban authorities without sanction; some of the sections of Parts II and III can be adopted by all urban authorities without sanction; other sections of Parts II and III and the whole of Part V can be adopted without sanction by any urban authority where the population reaches a figure of 20,000—if the population figure is less than 20,000 sanction from the Ministry of Health is requisite. Finally, certain sections of Part II need no special process of adoption in the case of County Councils.

The history of the Adoptive Acts is in almost every case similar. An enterprising Council decide to apply for new powers, unobtainable under any existing statute, by promoting a Local Act. This Local Act is then copied by other enterprising Councils, until there exist several areas where similar provisions are in force. Then, when Local Government Associations and the Government Departments become convinced that the powers conferred by this series of Local Acts are useful, a proposal is made that such powers should be made accessible to any authority that wishes to use them, and this without the complex and expensive procedure by Local Act. The Government Department then proceeds to prepare a general statute conferring these powers on any local authority that chooses to adopt the Act, inserting such safeguards against adoption in neighbourhoods where the new powers are likely to prove unpopular or where the Council have insufficient resources to work them with suc-

cess as the Department recommends, these safeguards taking the form of specially notified Council meetings, sanction of the Departments, and facilities for protest on the part of ratepayers. The adoptive Public Health Acts of 1890, 1907 and 1925 represent to a large extent collections of sections drawn from the Local Acts of enterprising towns. The Committee which was appointed to consolidate the Public Health Acts reported in January, 1936, against the continuance of the practice of leaving such large portions of the law to be adopted sporadically by local authorities, for—as a general rule—powers and duties which are beneficial in one area are beneficial in all.

PROVISIONAL ORDERS

A slightly larger measure of outside control over the option of local authorities is given in cases where additional powers may be obtained by the process known as Provisional Order. Here the sanction of the Government Department has to be reinforced by the sanction of Parliament itself, though in practice there is far less scrutiny of a Provisional Order than is the case with Local Acts. The scope of these Orders is strictly limited to certain fields prescribed in various Statutes. Among the most frequent types of Provisional Order are those increasing powers of supplying water, for the regulation of markets, for the compulsory purchase of land, for transport regulation, and—during the readjustment of boundaries consequent on the 1929 Local Government Act—for altering the boundaries between Counties. Others relate to the formation of joint boards, and to the construction of sea-defences and river embankments. Margate in 1932 obtained a Provisional Order enabling its Council to vary their method of running the municipal refreshment rooms, and in the same year Paignton obtained power to extend its control over its sea-front by the same procedure.

Applications for Provisional Orders have to be sent up to the appropriate Government Department, and if sanction is refused in Whitehall there the matter ends, unless the Council concerned like to promote a Local Bill for the same purpose. There are various safeguards to protect the interests of opponents of the schemes. The usual advertisements in local newspapers are necessary; the Department may hold a local enquiry, and normally should do so; a petitioner against the Order has the right to be heard in the Parliamentary Committee to which the Order may be eventually referred. The first two of these safeguards do not apply in Orders for the compulsory purchase of land. Should the application receive the approval of the Department it is passed on to Parliament. The Orders are not, however, dealt with separately by Parliament as they come along from Whitehall. Towards the end of the session the Government presents a Provisional Orders Confirmation Bill which includes all the Orders sent up during the session, and this is passed through all the usual stages. Normally there is no opposition, but any member of Parliament of either House may move an amendment if he chooses or many propose to exclude a particular Order from those it is intended to confirm. Anyone who has petitioned against an Order may decide to exercise his right to put in a personal appearance before the Committee that is supposed to deal with the details of the Bill, and this may lead to the Order being rejected. The most contentious Provisional Orders are those relating to boundary extensions. Opposed extensions of County Boroughs are now relegated to the procedure by Local Act, but before the Act of 1926 it was not an infrequent occurrence to have a Provisional Order for extending a County Borough rejected by Parliament. In 1933 a Provisional Order for readjusting the County boundaries round Stourbridge was rejected by Parliament, although approved by the Ministry of Health.

In addition to those Orders that are technically known as

Provisional Orders, there are some that are similar in nature which do not come under that designation. Orders for the establishment of electricity undertakings used, under the Electric Lighting Act of 1882, to be of the usual Provisional type, but since the Electricity Supply Act of 1919 these have been replaced by what are called Special Orders issued by the Electricity Commissioners and confirmed both by the Ministry of Transport and by Parliament. There are also statutory provisions for the presentation of various types of scheme approved by Government Departments to Parliament, such schemes becoming effective after what might be described as the silent approval of Parliament; there is normally no vote taken to approve them, but if after the lapse of a statutory number of days—again varying from statute to statute—no resolution against a scheme has been carried in either House of Parliament, it becomes enforceable.

LOCAL ACTS

Quite a number of statutory powers which are now possessed, either absolutely or on adoption, by local authorities originated in a Local Act promoted by some enterprising Council. This process of obtaining "just a little something that the others haven't got" is quite an old one. The eighteenth century saw many hundreds of Local Acts passed for the benefit of local authorities, mainly for the purpose of establishing in urban areas Boards of Commissioners to undertake the provision of amenities of various descriptions. Then, as now, the tendency was for one town to copy the novelties of another, and most of the powers obtained for the first time by one authority soon find their way into Local Acts promoted by others. With the advent of the nineteenth century Local Acts became so frequent that Parliament was persuaded to pass what were called "Clauses Acts", which consisted of collections of clauses usually to be found in

Bills promoted by local authorities. The process has been simplified still further nowadays by the incorporation of clauses which prove popular in the various Adoptive Acts. All the English towns of major importance possess these special statutes, some of them rejoicing in quite a library of them. Liverpool, for instance, has special powers conferred on its Council by a hundred different Local Acts: Manchester's total exceeds sixty. This form of legislation serves a useful purpose in the system of Local Government: measures which, whilst promising well, are yet of doubtful value, may be applied in a limited number of places, or in a single town, as an experiment. If the experiment proves successful, the measure is adopted on a wider scale, becoming eventually part of the ordinary system of English Local Government. Local Acts, in fact, have been styled "laboratories of social law".

These Local Bills can be promoted by any of the normal Local Government units except Parishes. The same units may oppose Bills promoted by other units. In every case a specially notified meeting of the Council has to be summoned to pass the resolution preparatory to action. If the matter is merely one of opposing some other Council's Bill, the formalities end here, but if it is a question of promoting a Bill, there are other formal steps to be taken before the Bill reaches Parliament. The consent of the Ministry of Health has to be obtained; hence provisions likely to prove out of keeping with the national system have little chance of reaching Parliament. When sanction has been obtained, the Bill is sent to Westminster, where it is deposited in the Local Bill Office of Parliament. A fortnight after this step has been completed a second special Council meeting is summoned, at which the resolution is repeated. Where County Councils and Rural District Councils are concerned, the matter is one between the Council, the Ministry of Health and Parliament. But when a Bill is promoted by the Council of a Borough or

an Urban District, the electorate has special rights of intervention, and on quite a number of occasions a Local Bill promoted by a Council has been "scotched" by action of the local ratepayers. It is to a certain extent logical that County Bills should be exempt from the direct veto of a widely scattered electorate, but it seems a little anomalous that the Council of a Rural District have a freer hand in business of this kind than the Councils of Urban Districts, Municipal Boroughs and even County Boroughs.

In these urban areas there must be a public meeting of electors to approve, amend or reject the Bill. Whatever the verdict of the meeting, there is always the chance that it may be reversed, for a poll of the electorate may be insisted on. This is provided for by a triple safeguard: any hundred local electors may, on signing a requisition, insist on a poll; should the local electorate number less than two thousand, one-twentieth of the ratepayers may likewise insist; finally, the Council may insist on a poll. The poll is conducted under miniature election rules, offences of impersonation and false statement being punishable by fines which attain a maximum of £20. The electors are provided with ballot-papers marked with spaces for and against the Bill; an equality of votes counts as a negative. Bills for extending the boundaries of a County Borough and Bills for raising an Urban District to the status of a Borough are both exempt from submission to the electorate, the urban authorities here having the privileges of the County and Rural District Councils. This question of the "town poll" has formed the subject of one of the stock controversies of the Local Government world for some time.

The main objection to the numerous proposals to abolish the town poll is that such a change would be a move away from the democratic principle. But since these Local Bills consist of little else than additions to the powers of local Councils which are, as regards a majority of their members,

directly elected by the inhabitants, and even in the case of Aldermen indirectly elected by the same citizens, the rights of the democracy safeguarded in the town poll boil down to the right of refusing to add to the powers of the democratically elected Councils. If the Council were an oligarchical body separate from the inhabitants the town poll on such a point would be understandable. But if the point is to apply to democratically elected Councils it indicates an inherent weakness of the democracy as shown in an inability to elect Councillors whom it can trust not to abuse their powers. At a town meeting for one of the Local Bills of 1930 a ratepayer opposed the Bill on the ground that as the Council had failed to give satisfaction under its ordinary powers it would be foolish to entrust it with additional powers; the meeting supported him, and the Bill was rejected—but the vote was a confession of failure on the part of the democracy. But a more striking commentary on the local democracy is provided by the amount of interest shown in these town meetings. If the citizens took their position seriously there would, in many towns, be no building large enough to accommodate the masses of electors who would attend a town meeting of this kind; the difficulty has, however, never arisen, for the actual attendance at most of them is farcical. At a town meeting held in Birmingham to confirm an application for a Local Act in 1924, out of 300,000 electors—apart from the members of the City Council—twenty-four ratepayers took the trouble to put in an appearance. And in those cases where a poll is demanded the results are not much more satisfactory. An analysis of thirty-four polls of this type held during the years 1920 to 1925 shows the average to have been 15 per cent. of the electorate. This apathy makes it easy for interested parties to "pack" meetings and carry their point. A small but active opposition finds little difficulty in raking up enough supporters to defeat the Bill at a town meeting, whilst the canvassing and bringing to the

poll of a comparatively few voters will wreck the Bill for good.

Seeing that the County Councils have been free from this check on their power of promoting Local Acts since 1903, and that the same privilege was extended to Rural District Councils when they obtained power to promote such Acts in the Local Government Act of 1929, it becomes easier to urge the abolition of the town meeting and the poll in urban units. The Onslow Commission reported in this sense in 1929, and the Departmental Committee of the Ministry of Health which consolidated the Local Government legislation for the Act of 1933 also declared for abolition, but the latter body, being concerned with mere codification and anxious to avoid seriously controversial proposals, did not see fit to include their proposal on this point in the Bill which became the Local Government Act of 1933. It is remarkable that no action has been taken in this matter, for opinion in Local Government circles is almost unanimous on the need for change. A Local Bill which had cost Councillors and officials weeks of hard work and on which a considerable amount of money had already been spent was once rejected by a body of ignorant ratepayers who had been deliberately stampeded into opposition by an agitator whose only reason for objecting to the Bill was that it had been first proposed by a Councillor with whom, some years before, he had had a quarrel about a cup of coffee.

Though occasionally a Local Bill will arouse sufficient general interest to provoke opposition in the House of Commons itself, most of the business connected with such measures is transacted in the Committees of the two Houses. In 1882 a special Local Legislation Committee was established by the House of Commons, and during the next half-century this body was able to apply to the consideration of such Bills an accumulated knowledge drawn from experience of many similar measures. Complaints were made, however,

that the members of Parliament who were interested in particular districts affected by Local Bills were not in the majority of cases members of the Local Legislation Committee, and in 1931, when the Committee system of the House of Commons was overhauled, a complete change was made. There is now no special Local Legislation Committee; Local Bills are sent to the Standing Committee on which can be found the largest number of members interested in the districts concerned. Though local prejudices are to a certain extent satisfied under the new system, there is little doubt that efficiency of consideration is lost, and many people would like to see a return to the system in use before 1931. If a Local Bill is unopposed, it goes before the Unopposed Legislation Committee. There is a general understanding that additional powers that could be obtained by the process of Provisional Order should not come up in the form of Local Bills, and where a local authority breaks this rule the Ministry of Health invariably opposes. The procedure in Committee on opposed Bills resembles that of a law-court: barristers, members of interested local authorities, and witnesses appear; evidence is heard; lawyers make their speeches. And the process is a costly one. The average cost of unopposed Local Acts is about £3000; if the Bill is opposed in one House of Parliament the cost averages about £4500, if it is opposed in both Houses the cost averages more than £7000. In one extreme case the cost of promotion in one House alone came to £28,000. The heavy expenses entailed by the promotion of this local legislation lead to a noticeable curtailment of the number of such Bills in times of financial stringency. In 1932, twenty-three Bills were promoted by local authorities; three were subsequently withdrawn by the Councils, and two were rejected by the electors. The numbers of Bills promoted by local authorities in 1933 and 1934 were thirty-two and twenty-nine respectively.

LIMITATIONS OF MUNICIPAL TRADING

The subject of Municipal Trading is one regarding which the severest controversy has raged. Capitalist philosophy held that successful trading, which normally involved satisfactory service, needed the stimulus of private profit to make it effective. Apart from this, it was felt that competition on the part of enterprises backed by the funds of the ratepayers was unfair to the private traders who had only their own limited capital to rely on. Hence the constant enlargement of the number of trading enterprises run by local authorities was accompanied by a running fight with the more conservative political interests. And that fight continues, having become if anything severer since one of the great political parties has openly professed the doctrines of Socialism. The battle has taken two forms, the one local and the other national. Opposition to trading schemes which have been established in some towns has gone on in other places where there has been a proposal to introduce similar schemes, so that the contest, for instance, over municipal tramways was fought out in dozens of towns at different times. The national battle over Municipal Trading has been fought out in Parliament, partly over general Bills intended to enable all local authorities to undertake hitherto forbidden enterprises, but mainly over Local Bills promoted by particular towns; for if one town succeeds in gaining permission to enter a new field of trading activity this inevitably sets a precedent that will soon be followed by other towns. Down to 1945 the capitalist Parties always had a majority in both Houses of Parliament, though on two occasions Socialist Governments took office with Liberal support; hence the enlargement of legal powers to adopt trading enterprises was subjected to close scrutiny. With the Socialist election victory of 1945 enthusiasts for Municipal

Trading anticipate a considerable enlargement of such enterprises.

A generation ago much more was heard about the inefficiency of Municipal Trading than is heard to-day, though criticisms in this direction are still abundant. And there is no doubt that such enterprises were far less successful than they are to-day, firstly because they were in so many cases new ventures which had to learn by experience, secondly because the chronic hostility of the ratepayers to high salaries for municipal officers denied these enterprises the emoluments which alone would have tempted first-class men to undertake management. Electricity concerns like those of the Corporations of Manchester and Liverpool have in recent years not only worked with efficiency and economy but have contributed to progress in the industry generally by intelligent experiments with new types of generators. But there still remains a controversy in economic theory between the supporters of the classical school of *laissez-faire* and the apostles of advanced Socialist doctrine. As usually argued, the contrast between the two schools of thought is far too crude and simple to harmonise with modern facts. The old theory emphasises the essential selfishness of human nature rooted in countless generations of prehistoric ancestors whose survival depended on the principle of "every caveman for himself, and the Devil take the hindmost". Man can thus be got to work efficiently only by fear of suffering or by hope of gain. The employee's assiduity rests ultimately on fear of "the sack"; the capitalist's enterprise rests ultimately on hope of profits. Thus private enterprise, with its interplay of hopes and fears, can manage the world's business best. The new theory, which has recently been brought prominently to public notice by some of the Socialist groups, and particularly by the Communists, regards the selfish strivings of the capitalist system as the clumsy and wasteful methods of an unscientific age, whilst advocating as a substitute a

communal policy of co-operation in which everyone will be doing his best for the good of the community. The success of the Russian Five-year Plans is claimed as a proof of the practical efficiency of the new theory. If the problem is taken thus crudely, the old school has the best of the argument. Christianity has been trying for nearly two thousand years to eradicate selfishness inherited from the countless generations of the caveman age, and in spite of temporary "revivals" of enthusiasm has failed to make a silk purse with an embroidered cross on it out of the tough and shaggy sow's ear of the "old Adam". Russian Communism—a secular religion—has exercised authority for merely a generation, and it is still sufficiently young to provide crowds of enthusiastic "Shock Brigade workers", but nobody in his senses would suggest that even a majority of the millions of workers in the Soviet Union are toiling rather to promote the good of the community than to gain for themselves the means of living, and the attempt to turn the same tough and shaggy sow's ear into a silk purse with an embroidered hammer and sickle would appear on a long view doomed to failure.

But the problem of communal enterprise cannot be dealt with merely by contrasting two extreme dogmatic views. Modern business enterprise relies on the conjunction of three main factors—capital, management and labour, and it is necessary to consider the part played by each and the attitude taken by each towards business. Labour has little direct concern with the question whether the business is "run" by a private employer, by a company, by a municipality or by the State, as long as the pay and the conditions of work are of a similar type. Nowadays the management of large concerns almost invariably consists of professional experts who are paid salaries, and who find the same interest and inducements to work under any system which provides conditions and pay of a similar standard. The main difference between the atti-

tudes of labour and management lies in the greater scope for personal interest in the work open to those engaged in management, for labour has become increasingly tied to dull routine work since the great development of machinery. The function of the capitalist—whether single or collective—is to-day, in most large businesses, merely to provide funds, and whether those funds come out of the pockets of shareholders or out of those of ratepayers makes no difference to the business provided the money is forthcoming in sufficient quantities. The day when the capitalist was himself the expert manager of the business has long gone by. In the vast majority of cases, the capitalist heads of big businesses are mere financiers, and have no knowledge of the detailed processes used in manufacture or of the detailed organisation of the staff and their work. Even the practical questions of financial management, such as advertisement policy and salesmanship and intelligent buying, fall within the province of salaried experts rather than within that of the "owners" of the business. All the capitalist has to do is to provide the money and to appoint or dismiss suitable managers. And as regards the huge army of petty capitalists who become shareholders in modern businesses, they have rarely any idea at all of even what the premises of the company look like. The great point of difference between the capitalists of to-day and those of the years when the classical economists were writing is the divorce which has come about between finance and management. In the early days of the Industrial Revolution successful management did depend largely, if not mainly, on the stimulus of high returns on investments; nowadays it does not.

Under municipal control labour and management are essentially in the same position as under private control, whilst the supply of the necessary capital may be provided equally well by private investment or by public taxation. The primary conditions are the same for both kinds of enter-

prise." Where there is still room for controversy is in the secondary factors which ease or retard the progress of efficiency. As regards labour, the difference in efficiency and output between the two systems is not markedly great. Criticisms have, however, been levelled, and often with considerable justification, against the comparative inefficiency of the supervision of labour in municipal and State concerns. One hears complaints about the idleness of Council workmen on road-work, and about the waste of time in municipal and Government offices, where, according to some critics, the greater part of the day appears to be taken up by the making and consuming of tea. As regards the supervision of manual labour, a careful observation of a number of groups will show remarkably little difference in the output of the two types of employee, whilst those whose business leads them inside the offices of local authorities rarely see much idleness. There is undoubtedly a tradition that municipal and Government employees are idle folk, but this tradition is probably a survival from the days of compulsory pauper labour on the roads and of Government offices filled by patronage. Such traditions die hard, especially when they form the stock-in-trade of comedians; and a first-hand study of working conditions in municipal and other enterprises leads one to discount very heavily the alleged chronic laziness of the municipal clerk or labourer. Similar traditions survive in the shape of firm beliefs that the inmates of "workhouses" live on skilly, that the majority of people on "the dole" are loafers, and that convicts wear clothing marked with broad-arrows.

Few business men nowadays venture to criticise the capacity or the keenness of those engaged in the management of municipal concerns, though the ratepayer is often heard to grumble at the "huge" salaries given to municipal officials "for doing nothing". The shareholder rarely grumbles about the equally high or higher salaries paid to the management of the company in which he is interested, but the position of

the shareholder is very different. Municipal enterprise at the present day is rarely run for the purpose of making a profit, and when there is a profit it goes, not into the pockets of the individual ratepayers, but in aid of general municipal expenditure. As long as the shareholder gets his dividend he is satisfied, and he rarely studies the financial statements of the company in detail to find out how much the management is getting. And if dividends go down, the shareholder begins to look round for some other company for whose shares he may sell out his holding in the less prosperous one. But the most important cause of the contrast between the critical attitude often found among ratepayers and the placid indifference of the shareholder is the fact that public attention is focussed on the amount of municipal salaries by the debates in Council published in the local newspapers and by the attempts of Councillors to "play to the gallery" by denouncing high salaries as extravagance—sometimes also through sheer personal jealousy, for the petty tradesman who can only manage to scrape two or three hundred a year out of his business often looks with envy on the expert municipal lawyer or engineer whose salary runs into four figures. Actually the boot is on the other foot: technicians and administrative officials in big business firms are paid, as a rule, larger salaries than men of similar responsibilities in municipal service, the advantage of the latter lying rather in greater security of tenure and in the now universal superannuation schemes. The real danger to municipal trading on the management side lies in the tendency to offer too low salaries, not in any extravagance towards officials. And by refusing to pay enough to attract the first-class men into its service municipal enterprise is, in many places, putting itself at a disadvantage in comparison with private enterprise.

When we turn to consider the position of capital in the two kinds of enterprise, we find in the larger units less dif-

ference still. For to an increasing degree the capital required for municipal trading is obtained by the issue of stock to shareholders of the ordinary type. It is a fact, however, that in many small units municipal enterprise is hampered by the fact that the raising of an adequate amount of money by a levy on the ratepayers would provoke too much discontent. It is difficult for a small authority to obtain sanction to issue stock, and many enterprises which promised excellent returns have been abandoned owing to the fact that the cost of loan charges falls on the whole body of ratepayers, whilst the benefits of the municipally-owned concern would go mainly to those who actually used the new services provided. And another factor must not be overlooked. One of the functions of the private capitalist is to select the best men for management jobs. It is not a difficult matter, when the salary offered is a good one, to select a capable candidate from those who send in records of past service and testimonials from previous employers. The danger lies in favouritism, a vice which has on occasion ruined private businesses as well as municipal ones. Many a private firm has lost revenue through a Director's incapable son or nephew being given a highly paid post of responsibility when a sinecure pension of similar remuneration would have done the business far less harm; municipal enterprises are still more exposed to the ruinous effects of patronage, since the corrupt or weak Councillor has usually far less stake in the business than the indulgent Director. In municipal enterprise it is the ratepayers who find the salaries and the ratepayers who bear the loss on failure.

This question of management posts is, in fact, becoming more and more the key of the situation. And here there appears a factor in human attitude towards work which has been to a large extent lost sight of in the great argument between the champions of private gain and those of social service, the extremely important factor of congeniality of employment. The idea is in one sense a truism, finding expression

in such statements as "one volunteer is worth a dozen pressed men" and laments over "square pegs in round holes", whilst the happy mediaeval craftsman, taking a pleasure in the work of his hands, is often compared with the prosaic machine-minder of to-day, finding what spiritual edification he can in watching the mechanical creation of myriads of objects which, unintelligible in themselves, each represent one fractional part of some larger article. The machine of to-day has largely replaced the old craftsman's skill, but nobody has yet invented a mechanical organising brain or a robot administrator, and the management jobs in large concerns still provide scope for keen human interest as well as for brains. The success of both private and communal enterprises in the future is likely to be due more to the enlistment of enthusiastic technicians and organisers than to either greed of gold or love of mankind in the lump.

There are three main controversies regarding municipal trading to-day; the first is a continuation of the old struggle between individualism and all forms of municipal trading, the second concerns the advisability of the monopoly principle in municipal enterprise, the third concerns the application of the profits of trading. It should always be borne in mind that municipal trading is real trading, involving the sale of goods or services to specific customers, and is not to be confused with the provision of general services at the general expense, as in the case of rate-supported sewerage systems or highway maintenance. Though nobody would to-day suggest the sale or abandonment of all the existing municipal trading services, the fight goes on merrily between those who wish to extend these services and those who wish to restrict them within their present limits. English Conservatism has never maintained an intransigent attitude towards change; rather has it followed the political policy of the Duke of Wellington who, using the terminology of the battlefield, advised his Tory followers to fall back from a

lost position to the next defensible position and put up as sturdy a fight as possible to defend that. And so, even in the year of grace 1935, the Mayor of a town which possesses a series of efficient municipal trading services could be found to declare publicly that to speak to him of municipal trading was like holding a red rag to a bull and to urge its opponents to action lest "this mischief of municipal trading will go on for all time". The battle of municipal trading has been fought so many times between formally marshalled armies of Socialists and Conservatives that the question has to some extent ceased to be argued on its own merits, and it is noticeable that the Councils of Birmingham and Liverpool, when under Conservative control, undertook some of the most important pioneer work in municipal trading enterprise. Controversy has raged in Parliament in recent years over the attempts of the big cities to establish municipal savings-banks, but it must be remembered that the first institution of this kind—and a very successful one—was established by Conservative Birmingham. The distortion of the problem of municipal trading by party warfare perhaps reached its climax in the debates on the 1926 Bill for enabling local authorities to run buses as well as trams; the Conservative Minister of Transport stated in the House of Commons that he had at first looked with favour on the Bill, but that when he found that the Labour party unanimously supported the measure he began to think that there was more in it than met the eye and therefore he had decided to withdraw his support from it.

Considerable attention has been given to the suggestion that municipal trading should be accompanied by the establishment of a municipal monopoly of supply in the field covered by it. The suggestion has been made, not so much to protect the communal enterprise from competition as to avoid the friction that is likely to develop where private and communal enterprises are competing for custom. The legislation regulating municipal trading has usually

prevented Councils from entering into competition with private enterprise, and in the case of electricity, water and gas supplies, though there are powers of buying out the private concerns, a local authority may not run its concern in rivalry with an existing company. In some directions, however, rivalry between the two forms of enterprise is permitted. Municipal trams compete in many towns with privately owned buses, whilst in the seaside towns municipal entertainments frequently compete with those organised by private enterprise. Where such competition exists, there is undoubtedly friction—for an enterprise backed by the rates naturally seems an unfair form of competition to a trader who is probably himself a ratepayer and sees his own money being used to support a service that cuts away his profits. Hence the doctrine, held by quite a number of the more active Councillors, that municipal trading to be satisfactory must be a monopoly.

The question concerning the allocation of profits divides opinion between those who would apply all profits on trading services to the benefit of the area generally, either in relief of rates or in public works, and those who think that all profits should be passed on to the customer in reduced charges. Those who use the services naturally feel that they ought to get the benefit of any profit, whilst those who make little or no use of the services naturally tend to demand that the profits of a Council elected by the whole body of citizens should go to the citizens as a whole and not to any one section of them. In favour of the ratepayers it is pointed out that they as a whole form the body of guarantors when the scheme is launched and that if the enterprise proves a failure and involves a burden on the rates they have to bear the loss; therefore in years of success they should share out the benefit of the profit. This argument is particularly strong in towns where municipal trading departments have been run for some years at a loss, the general rate fund being drawn

on to make up annual deficits. In favour of the customers it is argued that municipal trading, like every other form of municipal activity, is undertaken to provide efficient and accessible services, and that the cheaper the service the more accessible it is; therefore all profits, over and above money devoted to improvement in efficiency of service, should go to those who use the service. Many subsidiary arguments are used on either side of the question. Both sides claim that their policy tends to attract settlers to the district, on the one hand by reducing the rates, on the other by lowering the cost of services, particularly when these services are of such universal application as those of water supply, lighting and electric power. Those who want the ratepayers to share the profits think that a share-out of municipal trading profits as expressed in a reduction of rates stimulates interest in Council affairs generally. Those who wish to keep the trading budgets separate from the general rate budget urge that the temptation to lower the rate by grants from trading profits weakens the necessary reserve funds which prudent administration demands for trading enterprises. It is also argued that contributions from trading services in aid of rates make difficult a comparison of rates levied in different towns—but this is a grievance of the statistician rather than of anyone else.

The controversy is a very old one. More than a century ago the municipal politics of Manchester centred round the question whether the profits of the very successful municipal gasworks should go to reduce the price of gas or to improve the general condition of the town. The consumers of gas, who at that period were a minority of the residents, wanted the former policy to prevail, but they were outnumbered by the advocates of the application of profits to general town purposes. At base, the question is really that of whether a municipal trading enterprise is a financial device for raising money or an attempt to provide a service which shall be

efficient and easily accessible. The principles underlying the financial system of English Local Government do not admittedly include the raising of funds by selling either goods or services, any more than they include local customs duties or a local income-tax. Logically the development of the existing trading services grew out of the desire to control the quality and accessibility of those services, and following up this line of thought it would seem that profits should be applied to making the services better and more accessible to all classes. But the case for a repayment to the ratepayers generally of what they may have lost by contributing their money to choke the deficit in the bad years is certainly a strong one.

The history of Municipal Trading can show some splendid examples of successful enterprise and also some discreditable examples of inefficiency, waste and corruption. The same can be said of the history of private enterprise, where the enlightened policy of the successful millionaire who reaps huge profits whilst paying high wages and providing his employees with model dwellings and all kinds of social amenities can be contrasted with the rapacious callousness of the employer of sweated labour on the one hand and the tragedies left behind by dishonest company promoters on the other. The same contrast between success and failure can be found in reading the history of democratic States and oligarchic States, and in the history of democratic municipalities and municipal oligarchies. There seems no essential reason why Municipal Trading to-day should be more or less efficient than private enterprise; there are certain tendencies which present pitfalls to the commercial activities of local authorities, and sometimes the public spirit of the local governors does not rise high enough to avoid these pitfalls, but the experience of the best of the English municipalities shows that Municipal Trading may be conducted with a high degree of efficiency and to the great advantage of the citizens.

CHAPTER X

THE FUTURE OF LOCAL GOVERNMENT

THE EFFICIENCY OF LOCAL GOVERNMENT

To criticise the weaknesses and shortcomings of the English system of Local Government is an easy matter; to estimate what the future has in store for that system is extremely difficult. There are some reforms, differing in scope and importance, which are advocated by large groups of administrators, reforms which it might be anticipated will sooner or later be introduced into the system. There are some trends of development which can be definitely indicated as having affected Local Government in the recent past and which it may be anticipated will continue to pull the system in the same direction. There are general political doctrines which may be applied to the local system if and when the political parties which profess those doctrines obtain control of the machinery of Central Government. Against these prospects of change there has to be counted the universal tendency for people to leave things much as they are as long as they work fairly well; ordinary people get into the habit of taking existing institutions and methods for granted, most reforms which have any considerable body of popular support being usually comparatively minor adjustments of existing institutions. English tradition would appear to make the principle of *festina lente* a cardinal doctrine of municipal progress, with its classic piling of Royal Commission on Departmental Committee and Select Committee. Nevertheless, one cannot accept without hesitation the assertions as to positive approval of our local institutions which appear in some of the books dealing with the system.

That Englishmen have a "natural" or a "national" love for local self-government has been asserted by writers from Toulmin Smith's days onwards, but it is not altogether wise to read approval into mere acquiescence, still less to interpret it as an enthusiastic devotion to a political principle.

Before considering either the desirability or the prospects of change, it is as well to review the actual working of the present system from the point of view of efficiency. And it may be said, taking a broad view over the whole of our local services, that the present system gives generally satisfactory results. Taking the system over the country as a whole, there is no Local Government service which is marked by scandalous inefficiency. The Police forces are smart, well-trained, assiduous in their duties, free from the gross corruption that characterises the police of many other countries, and active in the checking and pursuit of law-breakers. The Poor-law is administered thoroughly and in a business-like manner; "poor persons" are treated with neither excessive indulgence nor callous cruelty. Our roads are in the vast majority of cases well-made and provided with surfaces which give rise to no complaint. The sanitary arrangements of our towns, and even of our villages, are so well-organised that it is taken for granted that there will be no offensive conditions arising from defective sewerage in whatever part of England the traveller finds himself. The water supply is nearly always plentiful and very rarely impure; people arriving in a strange town do not fear to drink the water lest they should be poisoned or infected with disease. Hospitals are well-equipped and well-managed, and the precautions taken against the spread of infectious diseases work both well and smoothly. House refuse and shop refuse are collected regularly and efficiently and are disposed of without causing offence. Schools are staffed with capable and intellectual teachers, and the classes are run without either continuous corporal

punishment or chaotic disorder. Parks and pleasure grounds are well-kept, street lighting is effective, and municipal supplies of gas and electricity good in quality and reasonable in cost. Minor deficiencies are legion; no human institutions that have ever been devised have proved completely satisfactory to everyone concerned, and an informal "Grousers' Club" of gossips who follow Council news exists in a good many places. But the vast majority of complaints about municipal services are concerned with very small matters. One particular feature of the administration of one particular part of one particular section of the work of one particular department of the local Council has roused the disapprobation of certain individuals, and a certain amount of criticism follows, but in practically all these cases the other thousand of the thousand-and-one things that Councils do pass without complaint.

What might be regarded as the most comprehensive criticism of local administration is of the vague, uninformed type sometimes expressed to election canvassers. A Councillor seeking re-election always loses a number of votes he received when he first put up as a candidate through the chronic policy of opposing the existing Government adopted by some ratepayers who know nothing, or next to nothing, about their municipal administration. "Yes, we want a change"—"The present lot are no good"—"It's time someone came along and woke up the Council"—"New blood would be a great advantage"—such like remarks greet many canvassers for brand-new candidates, whilst those who are working for sitting members are sometimes rebuffed by such remarks as "The Councillors have done nothing to improve the town"—"All these Councillors do is to waste our money"—"I'm going to vote for someone new, things are run rottenly in this town". If these important critics—important for the moment because they have votes—are asked to specify exactly what services are run badly, exactly what im-

provements a really efficient Council would make; exactly which items of Council expenditure have been extravagant, they can rarely provide any example whatever of the inefficiency and mismanagement which they have alleged. The real underlying factor in most of such cases is the acute consciousness of the financial strain of meeting the rate demand coupled with a complete ignorance as to how the money has been spent.

The most severe criticism of local services propounded in recent years was that aimed by the Onslow Commission at the smaller local authorities, particularly at some of the Rural District Councils. Efficient sanitation is nowadays regarded as of cardinal importance in local administration, and the evidence submitted to this Royal Commission in 1926 and 1927 convinced the members that there were serious weaknesses in many areas. Sanitary conditions in a few places were of a positively mediaeval type; there were instances of sewage accumulating in open ditches and in streams which were frequented by paddling children. There was even a case of a "health resort" which discharged its sewage into crevices in the rocks on which the town was built. The Royal Commission indicated very distinctly the cause of these shortcomings. In nearly every instance it was a case of lack of funds rather than lack of good-will. Hence the recommendations for a thorough revision of County District boundaries, so as to provide over the whole of England units sufficiently strong financially to bear the burden of supplying efficient services. The Local Government Act of 1929 incorporated the provisions for this wholesale review of County Districts, and the map has now been reconstructed to meet the requirements of financial adequacy. Further provisions of this Act allow for contributions by County Councils to the services of Rural Districts, whilst the whole of the burden of the roads has been transferred from the shoulders of the ratepayers of each Rural District on to those of the wider com-

munity of the County. In view of the increased burdens likely to be imposed on local authorities in the years following the Second World War, the Act of 1945 appointed a special Commission of five members to review the areas of all local authorities outside the London region in a survey as comprehensive as that which followed the 1929 Act.

Serious and well-informed criticisms of some parts of the Local Government services may be found in the annual reports of the Government Departments. Such criticisms are concerned almost invariably with small sections of the work; they never amount to a condemnation of the whole of a service. They are usually more in the nature of suggestions for improvement. Here again one can detect in many cases the underlying idea that the Councils aimed at either cannot or will not spend the necessary money on efficient services. One constant cause of inadequate services is shortage of officials; a less obvious one is low-salaried officials. Where even the most capable official is denied the staff required to carry out the work of his department thoroughly, there cannot be satisfactory results in service. Where the offer of second-rate or third-rate salaries brings into the service of an authority a second-rate or third-rate man there will normally be still less satisfaction. This unwillingness of the representatives of the ratepayers to spend leads to another group of criticisms, based not so much on the inefficiency of existing services as on the small extent of those services. Progressive administrators demand more frequent collections of house refuse, more accommodation for hospital patients, more schools, more trained teachers. Political controversies sometimes come near to coinciding with controversies over the extension of the services at the expense of the rates; Socialists have usually supported the extension of the provision of schooling up to the age of fifteen, Conservatives for a long while opposed it.

In fact, at the back of nearly all complaints regarding either

the efficiency of existing services or the lack of expansion into new activities there is the question of £. *s. d.* This is far from being a new or even modern development. The ratepayer has always made it his cardinal principle to keep as much of his money in his own pocket as he can decently manage to retain. Back in the seventeenth and eighteenth centuries the ratepayer preferred in countless cases to starve the local paupers and run the risks of prosecution by presentment for neglected roads rather than part with more of his money at the behest of the rate-collector. Boards of Improvement Commissioners rarely used their statutory powers of rating to the full extent, since the interests of the members of the Boards as large ratepayers in the district tended to outweigh their interests as improvers of the amenities of their localities. So sweeping an innovation as the establishment of the Boards of Guardians after 1834 could never have been effected had it not been for the general feeling that the new system would effect appreciable reductions—some thought the eventual abolition—of the poor-rate. The Boards of Health established under the Public Health Act of 1848 were compulsory only for those places where the death-rate reached a figure about double the average death-rate of to-day; for other areas the Boards were optional, and as a result very few parishes deliberately undertook sanitary activities, whilst even in those places where the Board was compulsory, the actual work done was insignificant compared with what was needed. In one such case—that of Epping—every candidate elected to the new Board of Health was pledged to do nothing to improve the sanitary condition of the parish. And to this day the best election cry for a candidate at local contests is "Keep the rates down", whilst every increase in the rates compared with the previous year has to be explained apologetically by Councillors seeking re-election.

THE NEW DESPOTISM

When a survey is made of the progress in Local Government services during the past century, it is difficult to find any improvement, major or minor, which has been forced upon administrators by enlightened public opinion. On the contrary, public opinion has usually been actually hostile to extensions and improvements of service whenever such improvements have involved extra cost. Sir Robert Peel got his new police established in the teeth of violent popular opposition; the provision of an army of permanent full-time constables paid for out of the London ratepayer's pocket was regarded as ruinous extravagance; the force would represent an invasion of the liberties of the English people; the freeborn Englishman was to be dragooned, Prussianised, Bonaparted. It took a generation of persistent agitation to get the whole of England placed under Sanitary Boards and provided with the essential services of effective sewerage and pure water supply, and had it not been for the recurrent lashes given to the thick skin of public opinion by the scourge of cholera England would probably have waited another generation before this work would have been seriously taken in hand. The people were given first cheap education and then free education; but neither the ratepayers whose children used the Board schools nor those whose children made no use of them wanted the schools to be provided, and it took a whole generation after 1870 for the people to get into the habit of sending their children to school as part of a normal routine. It was neither the ratepayers nor the parents of Council school children who demanded the provision of a better type of teacher by offering higher salaries for trained instructors of recognised intellectual attainments, and if the Burnham scales of teachers' salaries were put to the vote of a plebiscite to-day there can be no

serious doubt that they would be condemned as monstrously extravagant by a large majority of ratepayers.

With an apathetic or hostile local electorate, and with Councils mostly conspicuous for stupidity and inefficiency, it is obvious that the source of the energy that has led to such remarkable improvements must be sought elsewhere. And in nine cases out of ten these reforms are found to originate among the officials of the central or local Civil Service. Much of the development of local activity has been formally imposed upon the local bodies by Act of Parliament, but though Parliament has produced an occasional enthusiast for local progress—just as the local Councils have occasionally done—these Statutes have usually been constructed, not merely as regards technical drafting but as regards policy and principle, in the offices of Whitehall. The efficiency of the routine work of local administration depends on the officials of the local Councils, supervised by the inspectors of the Government Departments; few Councillors have the capacity to exercise effective supervision over local administration or to stand up to the arguments of skilled technicians. Where Councillors do interfere to impose their own ideas on the officials, in a great many cases it happens to be one of the "active unintelligent" that thus asserts the rights and power of the democracy, and the last state of that Council is worse than the first. There are, of course, exceptions—rare exceptions; local officials have sometimes been saved from serious blunders by the greater acumen of some intelligent Councillor, still more rarely by a Councillor's more expert knowledge on some point of detail. But usually the Council is content to follow the lead of its officials, the only serious obstacle being the all-pervading repugnance to raise the rates. The real credit for the efficiency of the Local Government services in the vast majority of areas should be given to the Medical Officers of Health, the Sanitary Inspectors, the Directors of Education, the Surveyors and the Clerks of the Councils.

And the activities of the local officials are supervised, co-ordinated and stimulated by the officials of Whitehall. The Central Departments have not always been progressive in every direction; there have been times—as during the sessions of the Poor-Law Commission of 1905—when the Department has lagged seriously behind the more intelligent and far-sighted amateur administrators. But the achievement of a national minimum of efficiency in sanitation, workhouse management, elementary schooling, highways, and police, has been attained by the constant pressure of the Central Departments working through their inspectors, their auditors, and their power to withhold grants-in-aid. The important statutes which provide for the improvement of local services are often referred to in the text-books as the Acts of the politicians to whose lot it happens to have fallen to introduce the Bills into the House of Commons. Actually the Ministers whose names get attached to important Acts of this kind have had little or nothing to do with the preparation of the Bills. Most of the Ministers of Health and Presidents of the Board of Education have been mere political birds of passage, taking nominal charge of the Department as a step in their promotion to higher and still higher rank among the party leaders. Here again there are exceptions—James Stansfeld and John Burns had strong views of their own as Presidents of the Local Government Board, whilst Robert Lowe and William Forster as heads of the Education Department were equally keen and interested in the problems of their Department. But when the true history of Local Government legislation comes to be written, it will be found that the real sources of most of the progressive statutes were the Permanent Secretaries of the Departments, the Chief Medical Officers, and other officials who had devoted a lifetime to specialisation.

In emphasising the importance of the official element, local and central, in the formulation and enforcement of the pro-

gressive policy which has distinguished the local services during the last century, the influence of political doctrine should not be relegated to obscurity. It has sometimes happened that the policy of one political Party has coincided with the policy advocated by the Departments in a particular sphere of activity. In such cases the advent of the favourable Party to power after a General Election has made all the difference between the immediate and the ultimate adoption of departmental schemes. But there is no tie between the Departments and any political Party. The politician and the official look at the same problem from different points of view. The official is concerned first and foremost with the development of his scheme; financial problems connected with the scheme, local prejudices, extraneous factors that may influence the scheme are given a subsidiary place, and sometimes ignored altogether. The politician finds all kinds of extraneous factors impinging upon his consideration of a scheme presented by an official, principally financial factors. During the recent economy campaigns, when Local Government expenses were being cut down all over the country, every annual discussion on the estimates in the Finance Committees of local Councils witnessed a quiet little conflict between the officials, intent on expanding the services they had at heart, and the elected representatives of the ratepayers, appreciative of the schemes they were asked to keep in being, but haunted by the fear of possible opposition from infuriated ratepayers and defeat at the next election; this conflict was often unexpressed in words, and was in many cases not even realised by those who were taking part in it, but the cross-purpose was there all the same.

The routine work of administration and its supervision is nowadays left as a matter of course to the local and central officials, including a great deal of what is often called subordinate legislation. Some of this subordinate legislation is laid formally before Parliament, and any member of either House can, if he wishes, call the Department's proposals in

questions; but though the view has been expressed that all such papers ought to be carefully considered by a special Parliamentary Committee, there is no serious demand for this course to be pursued, and these departmental regulations have been "laid on the tables of the Houses" for more than half a century without any conspicuous evil having arisen from the practice. Even judicial powers have been granted to the Departments to settle cases which in former days would have been referred to the ordinary Courts, and Whitehall now gives what are sometimes called "quasi-judicial decisions" on matters connected with Public Health, Housing, and Audit problems. One big protest has been made—Lord Hewart's famous indictment in the volume called *The New Despotism*—but it must be remembered that this vigorous protest emanates, not from the general public, or even from the elected representatives of the democracy, but from a rival branch of the fraternity of officials. In the early days of the seventeenth century there was a serious conflict between the Chancery lawyers and the Common Law merchants as to the cases which should come before each, Common Law accusing Chancery of encroaching upon the Common Law preserves. The cry of *The New Despotism* is largely a protest from the expert professional legal administrator of the Courts against the encroachments of the Civil Service upon the preserves of the Judiciary. But among the general public and their elected local representatives few sleepless nights are spent over this danger to the principles of the British Constitution.

A comprehensive survey of the actual working of the Local Government system in England to-day can hardly fail to leave the impression that beneath a veneer of democratic forms and behind a smoke-screen of democratic doctrines and slogans the great bulk of both routine administration and progressive policy is controlled by the officials. On the surface the whole system appears to be controlled by the

elected representatives of the local citizens, with an occasional intervention on the part of the elected representatives of the nation who pass Local Government Statutes and order Government Departments to see that these Statutes are duly executed. In actual fact, however, we have the interplay of the two forces of central officialdom and local officialdom, and during the last century the power of the Central Departments has been steadily expanding. At the same time the power of the local authorities has greatly expanded owing to the undertaking of new services and new responsibilities, and that is one of the reasons why the power of the Central Departments has expanded. When local activities were few, there was comparatively little need for strict supervision from the national centre; when local activities became numerous and began to affect directly the lives and welfare of an increasing number of people at an increasing number of points, there was a corresponding need for the tightening up of central control in the interests of the nation as a whole. On a celebrated occasion in the eighteenth century the parliamentary opposition to King George III's Government proposed a resolution "that the influence of the Crown has increased, is increasing, and ought to be diminished". There is no doubt that "the new despotism" of the Central Departments "has increased and is increasing". Whether it "ought to be diminished", or allowed to develop still further, is another matter. Whether it can be diminished or stopped from further advance is yet another matter.

DIGNITY AND IGNORANCE

Were the local officials to concern themselves actively with municipal elections, there is little doubt that in a great majority of places they could gain complete control of the Council by securing the return of their own nominees. But the traditions of the service put a clear-cut bar between the

activities of the official and the political campaigns conducted at elections. Nor is there any serious need in most places for the officials to resort to an attempt to control their employers in this manner, for over most of the field of administration the officials are always left with a free hand, and even in major questions of policy the official is usually at such an advantage compared with the elected element that he can, with a moderate exercise of tact and deferential argument, direct the opinions of his Council in the way he wishes. It may safely be said that, where the ideas of the official are in harmony with the ideas of the official world generally, the imposition of his will on the Council is only a matter of time. Obstinate Councils do exist; there are officials who are not in possession of the necessary tact to set to work in the right way; there are officials who are by temperament too timid to attempt to counteract an existing opinion among the elected members; there are officials who are not sufficiently interested in their job to worry about anything outside the routine administration of existing services. But where the major services are concerned, an alliance between local officials and the inspectors of the Central Department can exert a steady pressure that will usually prevail in the long run.

It is the elected element that makes the poorest show in a survey of our system of Local Government. The ultimate and main cause of the exceedingly poor quality of the personnel of most Councils is, of course, the chronic ignorance and apathy of the electorate. Though here and there an intelligent citizen may be found following the progress of the local administration, and though in some of the smaller towns and villages local gossip concerns itself with the doings of the Urban or Rural District Council and of the Parish Council, the fact remains that the vast majority of the electors have nothing that can be described as interest in or knowledge of Local Government. Considering that twice a year the majority of ratepayers find themselves

served with a demand-note calling upon them to part with an appreciable amount of their money, it might be expected that they would have sufficient interest to find out how that money was being spent, what services it was maintaining, whether those services were being run economically, whether any of them were redundant, what is the cause of a rise in the rates, what are the prospects of increase or decrease in the rates for the coming financial year. It might also be imagined that this constant drain on the ratepayer's purse would lead him to attend the meetings of election candidates, to put questions, to demand pledges, if not to offer himself as soon as occasion serves to represent his neighbours on the Council as a champion of "economy and efficiency". But in spite of the strong cash-nexus between ratepayer and Council, there is an almost total apathy as regards all these things. Such urge as exists to protest against an increase in the rates finds no more effective vent than a vague, blind grumbling against an "extravagance" which it is presumed must exist but which nobody seems to know how to prove.

And yet the answer to many of the questions that would naturally rise in the mind of the ratepayer called upon to stand and deliver before a certain day or else expect a summons is provided in the very document that conveys the unwelcome message to him. By a statutory provision every demand-note for rates must contain a statement of the purposes for which the money is required, and the form of statement enforced under the provisions of the Rating and Valuation Act of 1925 is sufficiently comprehensive for general purposes. When a tradesman tenders his account, the debtor usually glances through the items to see how the total is made up; few ratepayers take the trouble to do the same with their rate demand—possibly from a feeling that, as there is no possibility of challenging the items, the trouble would be useless. But a brief glance through the statement supplied would show him how much of his payment is going

to support the poor, how much of it will be spent on education, on maintaining the roads, on refuse collection, on Public Health, on street lighting, on the maintenance of the fire-brigade, and so on with a number of other items. If it were possible to hold an examination of a hundred ratepayers selected at random to test their knowledge of the way in which their money was being spent by the Councils they elect, the results would be extremely interesting. One may safely say that very few of the examinees would be able to give a correct answer to the apparently simple question, "What are the three most expensive services to which your money will be applied?"

If there is so much ignorance in matters which directly affect the pocket of the ratepayer, it cannot be expected that he should be better informed on other points concerning Local Government. Few citizens have any real conception of the line dividing local from central responsibilities, or of the line dividing public action from private action. Many of them think that the local Council can intervene to enforce private contracts, to collect debts owing to private individuals, to stop dogs barking in back-gardens, to make the landlord repaper the rooms, and to do numerous other things. Some think the local Council runs the Post-office; others think the Government runs the elementary schools. There are all kinds of queer misunderstandings about local administration, such as the persistent belief that Councillors are exempt from the payment of rates. These examples of ignorance concern merely the general system under which the people are governed. When we come to more special local knowledge, there is little less ignorance of the more important factors in administration. Large numbers of ratepayers who have resided for years in a district cannot remember the name of a single local Councillor. Trivialities and small personal contacts decide the votes of the majority of the electors at elections where the Party system is not in operation. Once

a Councillor has been elected, very few of the people who voted for or against him take the trouble to follow in the local newspaper how that member acts and votes. The vast majority of ratepayers have never entered the public gallery of a Council meeting in their lives. It is no wonder that, with so unpromising an electorate, the mentality of the elected representatives of the democracy should be of such a low average standard.

The elected Council in a great number of instances provides a veritable storehouse of "awful examples" of inefficiency and incompetence—resembling in some extreme instances what the Americans call a "dime museum"—a collection of mental freaks. On ceremonial occasions the Mayor's chain of office and the aldermanic robes may lend an air of distinction and dignity to the representatives of the people, but even the comparative dignity and formality of a full-dress Council meeting often leave gaps through which stupidity and ignorance force their obtrusive way. Editors of local newspapers are often hard put to it to reduce the illiterate babblings of local worthies to something approaching intelligible English; it is said that one such editor, after being subjected to a violent attack by a certain Councillor for his persistent refusal to report that gentleman's speeches verbatim, took the local Demosthenes at his word, with the result that the local paper appearing after the following Council meeting contained one of the funniest concatenations of ungrammatical balderdash ever reported. As always, there are conspicuous exceptions, particularly in those Councils where closely contested Party strife lends a stimulus to each side to put its most capable and effective men into positions of prominence. But far too many Councils consist for the most part of administrators to whom the application of the term "mediocrity" would be unctuous flattery.

LOCAL SELF-GOVERNMENT

English writers have for long been afflicted with a tendency to regard the established institutions of their country as permanent things, inherent in the genius of the English people. Local Government has not escaped this tendency on the part of its literary authorities. One of the most frequently repeated theories on this subject is that local self-government is part and parcel of the traditions of the English people, deeply rooted in the past, in accord with the national mentality, in consonance with the ideas and aspirations of the nation. It is very easy to make statements of this kind; they are conveniently vague and they possess a certain sentimental and patriotic flavour which appeals to some people. But as soon as we come to enquire how far, in each historical period, the people have demanded and struggled for local self-government, the claim that our present system strikes a deep chord in the national bosom appears to rest on very slender foundations. In the first place, anything resembling our present system of local Councils is extremely modern, for the modern Councils resemble the Vestries and Municipal Corporations of the Tudor and Stuart periods about as much as a modern multiple store resembles a mediaeval manor. And in the second place, the greater part of our present-day machinery of Local Government was thrust upon the people by the central Government, usually as the result of discussion among officials in the Departments of Whitehall.

There was no demand among the people for the establishment of County Councils, though there was a distinct demand in the large towns for County Borough status—and this not because there was anything positively attractive about a County Borough, but because it meant escape from the new County authorities. There was no overwhelming demand for Municipal Corporations of the modern type even in 1835; the driving force behind the Whig campaign against

the old Corporations was jealousy of the limited number of Burgesses who monopolised the revenues of Corporation estates and Corporation charities, and the new Municipal Corporations of 1835 possessed few powers over local services outside the sphere of Police. There was certainly no great popular demand for Boards of Guardians, which were established with considerable difficulty over a large part of England, many districts showing interest in the new Boards for the first time when it was found that they gave scope for patronage in the form of appointment of officials. The French Canadians are said to have repelled the gift of a Parliamentary Constitution from a benevolent British Government with the cry of *C'est une machine anglaise pour nous taxer*, and much the same attitude was adopted by thousands of English towns and villages when Boards of Health were first instituted. The Highways Boards which should have been established under the Act of 1862 failed to materialise in about a third of the area of England owing to popular apathy or opposition. The very phrase "Local Government" is quite a modern one, and Toulmin Smith's great campaign for "local self-government", with its factitious appeals to the history of the Heptarchy, was rather a protest against over-government than an outburst of local patriotism.

And as a plain matter of fact, when we shear away all the pseudo-sentimental nonsense about the genius of the English nation, there are few people to-day outside the immediate circle of local Councillors and officials who care either the traditional "twopenny damn" or the modern "two hoots" about local self-government. Local patriotism of one type or another still exists, but it centres round other things than Local Government. Certain Counties retain a sentimental feeling of local cohesion, fostered nowadays more by popular ballads than by anything else, though commercialised local idiosyncrasies which may prove attractive to tourists and

holiday-makers are another prominent factor in some shires. It is true that without the pre-existence of a genuine local patriotism nobody would have thought it worth while to write and publish songs like "Glorious Devon" or "She's a Lassie from Lancashire"—to quote two ballads of somewhat different type—but the inclusion of such songs in local programmes over a period of years in itself tends to perpetuate the feeling which originally inspired them. A still more enthusiastic spirit of local patriotism centres round cricket and football teams, though it may be doubted if there would be any serious diminution of rosette-wearing and match attendances were the present system of Local Government units and their Councils completely swept away. Another form of local patriotism, though a somewhat dubious one, takes the form of loyalty to a postal address, but this has nothing to do with Local Government. The same applies to local loyalties based on geographical or climatic amenities or on social attractions.

Whenever a proposal is made to extinguish or curtail the powers and authority of a local Council, there is always a protest, and sometimes a very loud protest, but the opposition in almost every case comes entirely from those who are members of the threatened local authority. Any degree of "popular" support for such opposition has to be worked up by a "scare", usually by suggestions of financial disasters affecting each ratepayer personally. These petty upheavals against proposed transfers of power and territory from one unit to another were frequent during the great revision of boundaries consequent on the Local Government Act of 1929; in all these boundary disputes the core of the opposition invariably lies in the Council that is about to lose powers and territory, and the opposition often stops there. The ordinary ratepayer, when told of the suggested change, asks anxiously, "Will the rates go up?" and if it can be shown that no such tragedy is involved in the change, his interest in the matter

ceases. If, however—as has happened in some places—the transfer of a parish to the control of another Council involves an actual reduction in the rates, popular opinion has supported the change, though the local Councillors continue to fight a noble battle on behalf of an army that has gone over to the other side.

There are some who believe that local self-government is doomed, or that it will survive as a mere shadow, a solemn set of formalities, or a picturesque collection of ceremonials. It is pointed out that the central Departments are encroaching more and more upon local independence, that the scope for action left to the unfettered discretion of the local Councils is becoming increasingly restricted, whilst the opportunities for dodging central control are becoming increasingly limited. Local self-government, it is said, is an anachronism, a survival of the days when travelling and communications were difficult, a geographically ordained system rather than a product of political theory, but now unnecessary owing to the overcoming of geographical obstacles by applied mechanics. Large units are more economical to run than small ones, and if Great Britain is not too large a unit for the organisation of the Post Office, England cannot be too large a unit for the provision of such services as Education, Sanitation, Hospital and Medical treatment, Police and Highway maintenance. There is so much migration nowadays, families moving their residence from one place to another, that the old local ties are much weakened. People need the best possible kind of service, and when that best has been discovered it should be enforced uniformly over the whole kingdom; local variety leads to confusion and allows of positive inferiority in many areas. This school of thought is not yet a very strong one; there is as yet no formulated policy of depressing or abolishing the local authorities in favour of the central Government, though there have been definitely formulated policies aiming at the

supersession of the present units by others of a larger size. That this movement towards centralisation exists and finds practical expression in a host of new statutes and statutory regulations is undeniable, and most students of the present system are inclined to believe that, if local self-government should eventually disappear in this country, it will do so gradually by piecemeal encroachments of the central Departments and not as the result of a sweeping measure of reconstruction. This would certainly be more in keeping with the traditional English methods.

The champions of Local Self-Government have always insisted that the idea of control of services by the residents of a limited district is not only more popular but more efficient than control from a distant centre. In theory, no doubt, people prefer to have local affairs decided by those who are most in touch with the actual conditions of the district and with the ratepayers, but in practice this attitude is seriously modified by other factors. The first of these is the chronic apathy of the electorate. It is perfectly true that there is a vague feeling that an immediately local man will make a better representative of the electoral area than a "foreigner". Quite a number of excellent candidates have just failed to obtain election to local Councils because they have been at a disadvantage on the score of residence in the constituency compared with other candidates who are always more or less on the spot. But the quintessence of "parish pump" patriotism which finds expression in such slogans as "A South Ward man for the South Ward" is usually found to boil itself down to a fear and suspicion of the other quarters of the district, for it is easy to raise the cry that the other Wards are getting more than their fair share of attention in the way of amenities. And the electorate rarely carries its demand for a strictly local representative further than the polling station. The citizens make little use of the local man when they have returned him. Rarely does a rate-

payer of the constituency write to or call on his Ward representative to urge him to support some particular policy on the Council. And the unwillingness of the ordinary citizen to devote his time to service on the local Council often allows a "carpet-bagger" to obtain and retain a seat in a "foreign" constituency without friction. The dislike of the "foreign devil", too, is usually in inverse proportion to the distance from which he comes. A County District will prefer the aggrandisement of the County Council to an increase in the powers of the adjoining County District. When the County Councils were established by the Local Government Act of 1888, provision was made for the transfer of control of Local Government from the central Departments to the new County Councils, but the feeling of the minor authorities was dead against this shifting of the control to a nearer centre, and little has been done to weaken any of the former powers of control exercised by Whitehall.

Against the claim that local control is more efficient than central control three factors must be weighed. First and foremost it must be remembered that the central Departments have at their disposal a staff of experts with far wider experience and skill than any local authority. Arising out of this factor is a second one: "What does he know of Slopton-on-the-Ditch who only Slopton-on-the-Ditch knows?" should be borne in mind by those who wish to bring local practice up to the best standards of English Local Government. Thirdly, the increasing ease of communications has broken down most of the differences in conditions which formerly divided one district from another. There are few principles of even minor importance which cannot with perfect satisfaction be applied equally to all English districts, for in spite of superficial differences of dialect and specialities of diet one Englishman is very like another, and in relation to the essentials of good government it matters nothing whether

the people concerned come from Sussex (East or West), Gloucestershire, or the Soke of Peterborough, and it matters nowt to Lancastrians. A better case for a different mentality and culture may perhaps be made out for the Welsh Counties, and recognition of this has already found shape in the constitution of separate departments within the Ministries of Education and Agriculture to deal with problems arising in Wales and Monmouthshire.

A further defence of our system of Local Government is that it acts as a training-ground for future members of Parliament. It is true that many M.P.s have first entered public life through the channel of a local Council, and that one or two of our prominent politicians have made the same kind of entry—the most famous case is that of Joseph Chamberlain at Birmingham—but so small a proportion of local Councillors ever attempt to reach St Stephen's that to preserve the existing system for their benefit is rather like the argument sometimes adduced for teaching every schoolboy the complexities of the higher mathematics—that some boys eventually become constructional engineers of an advanced type. There are even those who would regard the connection between local Councils and the membership of our national legislature as a cogent reason for the abolition of the local Councils, for there is a school of opinion that considers that the only man who entered the Houses of Parliament with laudable intentions was one Guy Fawkes.

THE EDUCATION OF OUR MASTERS

The salvation of local self-government has little reason to rely on the inherent genius of the Anglo-Saxon race. Should a British Cabinet propose to abolish the present system and place the whole of our local services directly under Whitehall there would undoubtedly be a great outcry—mainly from persons directly occupied in working the present system.

But there have been great outcries against many proposed changes, and on the enforcement of each change the outcry has died down; the new system has soon become part of the normal environment of the citizen, and before long part of the "heritage of Englishmen" to be duly appreciated and praised in the text-book clichés. England has been brought to ruin and desolation too many times in the fulminations of Opposition prophets for such outcries to be taken very seriously. When the National Health Insurance Scheme was introduced in 1911, half England believed that the Bill could never pass, or that if it passed it would prove utterly unworkable; the free-born people of Britain would never sink to such depths of serfdom as to lick insurance-stamps at the command of Lloyd George and his gang of tyrannical lunatics. But the Bill passed, the scheme was got into working order in a very short space of time, the people licked the stamps, and within a few years every trace of the violent criticism of 1911 had disappeared from political and social literature. And, as a matter of fact, every important change has provoked an outcry—from the days of the Great Reform Bill to the days of the Belisha Beacon. The old Municipal Corporations organised the most strenuous resistance to their supersession by the new municipalities in 1835, but once suppressed there was no serious suggestion of refounding them. There was a somewhat similar outcry from the Boards of Guardians which were suppressed by the Local Government Act of 1929, but nobody ever hears of a demand for their restoration. Local self-government cannot rely on the public opinion of to-day to lend any effective backing to an attempt to stave off further encroachments on the part of the central Departments.

Can public opinion be roused sufficiently to provide a substantial and continuous backing for the claims of those who favour local self-government within wide limits? The answer to this question, if it is to take an affirmative form,

can be found only in the direction to which Robert Lowe turned after the extension of the democratic franchise in 1867. Robert Lowe emerged from the cave of Adullam with the cry, "Let us educate our masters"—and the result was the Education Act of 1870. The actual efficacy of the education provided has been much criticised, but from the special point of view of Local Government there has never been any national attempt to educate the electorate. If Local Government is a desirable thing, the least that can be expected is that it shall command the interest of the people to whom the local franchise is given. If the voters are to be able to exercise the franchise intelligently and efficiently they must know something about the system that their votes are helping to work, about the work there is to be done and the policies between which a choice has to be made, and they must be sufficiently interested to find out something about the capacity of those who offer themselves for election to play the part of governors. Mere vaporisings about the sanctity of the democratic principle and ignorant or hypocritical gush about the great public spirit of the gentlemen who devote their time to the service of the community by acting as local Councillors will lead nowhere. If Local Government in its present form is to be preserved it must be efficient, and the plain fact of the matter is that many local Councils of England at the present time are grossly and glaringly inefficient. Their one saving grace is that they are composed for the most part of such stupid and flabby incapables that the trained officials are in most cases able to mould them, check them, outwit them, and direct their ignorant and floundering movements into channels which are consonant with the needs of progressive and efficient administration. That this is so in the great majority of cases does not obscure the fact that in an important minority the elected element forms an effective barrier to progress and a check upon efficiency. But if at its best the present system of local Councils can do no harm and at its worst it weakens

efficiency of administration the question inevitably arises, "Why cumbereth it the ground?"

There is an old story of a Scottish preacher who, after describing with harrowing gruesomeness the sufferings of the damned in Hell-fire, concluded his homily by suggesting that the suffering sinners would try to excuse themselves by the cry "Oh, Lord, we didna ken! we didna ken!"—and that the Lord in his infinite mercy would reply, "Aye, but ye ken the noo!" And the Local Government electorate may with some justice protest that nobody has yet made any attempt to "educate the masters" of the local Councils. It has, indeed, been nobody's business to educate the electorate in the elements of this branch of what used to be called "political economy". There is no systematic attempt to teach anything about Local Government, even from the historical point of view, in the schools of England. There are some correspondence courses and in a few towns some evening lectures in the subject, but this instruction is intended for, and almost exclusively patronised by, candidates for examinations taken by Local Government officers. Five English Universities have included lectures on Local Government in their Public Administration courses. But all this touches only the fringe of the electorate.

There are a few schools which make special provision for the teaching of "citizenship", which has, of course, a bearing on Local Government, but although courses in this subject include the treatment of one or two of the major local services, the lessons given are inclined in most cases to resolve themselves either into historical comparisons of things to-day and things in bygone days or into moral talks on the necessity of helping one another and of doing our best to make the nation better. In most schools, however, there is no attempt to teach "citizenship" as a special subject. Some little information about Local Government is given in the History lessons—usually just a string of the half-dozen or so

leading constitutional statutes affecting Local Government, with a brief explanation of their purport, whilst in those few cases in which the British Constitution is dealt with as a special subject a small section of the syllabus is devoted to Local Government. Very few boys and girls leave school with even a smattering of knowledge of the subject; hardly any school pupil, elementary or secondary, could explain the difference between a County Borough and a Non-County Borough, even though living in one or the other—there are members of local Councils who are equally ignorant on this point—and few have ever heard of a Grant-in-aid as applied to local services. The usual examinations for which school pupils are trained set no paper on Local Government—even as an optional subject.

Yet local services affect every citizen constantly every day and at every turn. The protection afforded to the community by the criminal law depends for its efficacy on the activities of the local police force. Millions of houses are supplied with municipal gas, water and electricity. The pavements the citizen walks on and the roads along which he rides in a public or private vehicle are the direct concern of a local authority, whilst in many cases the public vehicles he uses are Corporation property. The lighting and cleansing of the streets, the collection of house refuse, the parks and recreation grounds of the towns, and often the nearest tennis-courts and bowling-greens, are concerns of the local Council. The vast majority of people are educated in schools run by local authorities. A large proportion of the destitute and of those suffering from illness of one kind or another are dealt with by the local services. It would seem that a course in Local Government might be expected to form an essential part of the curriculum of all English schools. Such a course would have the advantage of being eminently practical, a purposeful training of the child for entrance into the life of the community. And to that extent it would have

a better chance of making an appeal to the interest of the pupil than quadratic equations, the structure of the Feudal System, or even the words of a modern foreign language.

There are those who object that the surest way to choke people off a subject is to put it into the school curriculum, whilst others declare that whatever you teach a school-child will be forgotten within a short time of his leaving school. But in actual fact, where school pupils display hostility to a subject it is almost invariably due, either to a feeling that the subject is "useless", or to a conviction that it is too difficult or uninteresting. Such causes of antipathy are not likely to act to any large extent with Local Government; its outlines are not difficult of comprehension and require no specialised faculty such as is necessary for proficiency in foreign languages or for good carpentry, whilst its close relation to everyday life is obvious. Again, though a very large part of what is learnt at school is forgotten very quickly, this is due mainly to the fact that much of our school curriculum is concerned with things remote from everyday life. Most pupils soon forget their algebra, their geometry and their trigonometry, simply because they have, under normal conditions, not the slightest occasion to use the processes they have learnt in studying these subjects. In those rare cases, however, in which a pupil goes into a profession where such processes are actually used at frequent intervals, the knowledge remains. Few schoolboys or schoolgirls forget the processes of elementary arithmetic, since these processes are in constant use in everyday life. Soon after leaving school the normal pupil's history becomes a confused welter of muddled names and dates, for the simple reason that, except for a casual statue or street name, there is nothing to keep the memory fresh in these matters. Much school geography goes the same way, and unless facilities crop up for using a foreign language, it becomes rustier with each month that goes by. With a school course in Local Govern-

ment, a good deal would certainly tend to become hazy, particularly the historical portions and those dealing with units of an unfamiliar type; but there are sufficient daily contacts with the real thing for a considerable amount of the knowledge obtainable on this subject to remain clear and unforgotten.

Local Education Committees, by organising courses of definite instruction in the subject of Local Government—with special reference to their own areas—could do a very great deal to "educate their masters". Some supplementary encouragement could be provided by the examining bodies. The inclusion of Local Government as a subject for the School Certificate examination seems a reasonable suggestion and would probably encourage a number of schools to make provision for the systematic teaching of this subject. Evening Institute work in the subject has so far kept almost entirely to professional training, the largest and most successful of such classes—those organised by the London County Council—being attended almost entirely by junior members of the staffs of the L.C.C. and the Metropolitan Borough Councils. The "featuring" of experimental courses in Local Government by lecturers who can subordinate the purely legal and technical side of the subject to the presentation of a more "popular" general outline might draw as good numbers to evening classes as are attracted by some other cultural subjects on the syllabuses. The local Councils might do something to provoke an intelligent interest in their work by the organisation of popular lectures on topics such as Public Health, Arterial Roads, Tuberculosis Services and Public Libraries. The Metropolitan Borough of Finsbury was enterprising enough to produce, in 1934, a film explaining the Public Health activities of the Borough for display in the local cinemas. Public Library Committees might profitably revise their lists of books on Local Government in reference to the more recent publications—and in many cases to stan-

dard works of an earlier date. A recent inquiry for a copy of Sir John Simon's *English Sanitary Institutions*—the standard work on the history of Public Health in England, and the basis of most other books on the same subject—failed to produce a single copy of this book from nearly a hundred municipal libraries spread over a large area in the south of England. A small reference library of books relating to Local Government in general and to the work of the various Committees would be a useful addition to the equipment of Town Halls; in those few cases where such provision is made it is said that the innovation has been successful in raising some of the active unintelligent members of the Council into the group of the active intelligent, the first step in this revolution being accomplished in the realisation by the casual reader of some of the books provided how much there was to be learnt and how little he actually knew. For in Local Government —as in most studies—the more a student gets to know about the subject the more he feels his ignorance. In Local Government, at any rate, omniscience is the monopoly of the sublime ignoramus.

THE QUESTION OF LARGER UNITS

Various schemes have been put forward at different times for the substitution of larger Local Government areas for those of to-day. The larger the area for which services have to be provided, the more economies can be effected through centralisation of administration and the avoidance of duplication. The rapidity and ease of communications at the present day have greatly simplified the problem of controlling a widespread area from a single centre. It is only local prejudice and the inveterate tendency of established authorities to keep a firm grip on their existing powers that stand in the way of these enlargement schemes. These schemes take two forms, the one group aiming at the substitution of provincial

areas for the present County and County Borough system, whilst the other aims at enlarging the size of the urban and rural units. The motives which underlie these proposals are various. There is a wish to economise in administrative costs; there is a desire for centralisation modified by an unwillingness to sacrifice the principles of local self-government; there is a demand for more uniformity than exists at present; and in the case of the enlargement of County Districts there is local jealousy of the present County Councils. A good deal of the force behind the schemes is represented by a conscious or sub-conscious distrust of the present system of Local Government modified by a fear that the central Departments will not be able to tackle such an enormous increase of work as would be entailed by a complete transfer of responsibility to Whitehall. This last idea appears also in the various schemes for subordinate Parliaments that have been propounded from time to time during the last half-century.

There is certainly a strong case to be made out for the substitution of larger units for some of the present Administrative Counties. Quite a number of County Councils govern a population smaller than that of dozens of Boroughs. These small Counties stubbornly refuse to combine their services under the control of joint-Committees, and resent any attempt to cut into a local homogeneity which has a thousand years of history behind it. A few of the smaller Counties have agreed to share the services of a Chief Constable and to co-ordinate the organisation of their police forces. A few County Councils have co-operated in producing regional Town-planning schemes. But, like all local authorities, the County Councils, whilst paying lip-service to the ideas of cordial friendship with their neighbours and of mutual help, show the greatest reluctance to practical measures of co-operation. One variety of the provincial proposals—propounded by Professor Robson in his book on *The Development of Local Government*—suggests an *ad*

hoc grouping of Counties and County Boroughs for different services. Such a grouping has already been effected by statutory authority for the purposes of large-scale electricity supply. The Central Electricity Board established by the Electricity Supply Act of 1926 has divided Great Britain into ten great provinces, each with a Council consisting of representatives of all the major local authorities within the area concerned. It is suggested that similar provincial units should be formed for other purposes—Public Health, Education, Police—though these provincial service Councils need not consist of exactly the same smaller units for all purposes. A County or County Borough might belong to one provincial group for Electricity, to another for Public Health, and to a third for Police purposes. Within each provincial group the existing Counties and County Boroughs would remain as subordinate units.

The idea that the present urban and rural units are far too small for effective government persists in the minds of many administrators, even after the changes effected by the boundary revisions consequent on the 1929 Act. Many of the smaller units have been eliminated, but there are still both urban and rural areas with very limited resources and with small populations. Some reformers would like to see the process of amalgamation carried out on a much bolder scale, and among the plans put forward are suggestions for the division of England into units which, though smaller than the average-sized County, would be considerably larger than the Urban and Rural Districts of to-day. In these schemes the rural areas would find themselves placed under the wing of some County Borough, the normal unit containing both urban and rural types of district within its boundaries. From time to time a certain amount of local support is obtained for one or other of these schemes for enlarging the urban and rural areas, but the driving force behind such temporary enthusiasms is invariably a feeling of

irritation against the County Council and a hope that the enlarged local area would be given financial independence of the old County.

REFORMATION IN A STEADY STREAM

Passing away from fundamental questions as to the probability of the survival of Local Government in its present form, there are very many directions in which changes are likely to be effected in the existing system. In earlier ages there was always a tendency for English institutions to establish themselves in ruts, along which they proceeded for generations, until some striking upheaval effected a revolution in the system—usually an entirely bloodless revolution. There have been some epochs when our institutions have been assailed by "reformation in a flood", and such upheavals have been followed by periods of stability, during which the new institutions have worked their way into the established practice and have become part and parcel of current thought. The most noteworthy example of "reformation in a flood", as far as Local Government is concerned, is the series of changes brought about by the statutes of the first reformed Parliament elected in 1832. Another noteworthy group of changes appears in the 'seventies and 'eighties of the last century, and yet another group in the years following the First World War. But it is not true to say that there has been anything that can be described as stagnation at any time since 1832. Even during the decades when there was least change, there was always active and intelligent discussion going on, frequently finding expression in abortive Bills in the House of Commons. And during the last half-century the tendency has been for reformation to come in a steady stream rather than in sudden floods. The Wars accelerated the process by emphasising the urgency of certain services that had previously received inadequate attention and by

revealing how much could be effected by State and corporate action. But the stream of municipal reform was flowing with a strong current in the decade before the War of 1914. And since then the stream has continued to flow steadily, and until 1939 every year witnessed a conspicuous alteration in the system of English Local Government. Royal Commissions and Departmental Committees and Advisory Committees have been extremely busy. Legislation, both by Statute and by Order, has been large in quantity. And the keener intellects of the Provinces have kept pace with the activities of the reforming elements in the capital.

One has only to glance down the reports of the annual conferences of the Associations connected with Local Government to realise how many changes are in process of coming to fruition. These changes vary in importance from minor adjustments of existing services up to attacks on principles that have guided our administrative system for generations. The Association of Municipal Corporations has appointed a Committee to enquire into the question of the substitution of local taxes for the ancient system of rates. The London County Council has abolished the direct control of the grant of poor-relief by the elected ratepayers in favour of control by paid officials. Local authorities have taken a prominent part in the discussions regarding the thorny question of the sterilisation of the unfit. And the stream of Local Acts continues, each year bringing the introduction of some modification of existing practice by some provision of a Bill promoted by an enterprising local authority. So steadily and strongly is this stream of reform proceeding that text-books on subjects connected with Local Government become obsolete in a few years unless kept constantly up to date by a series of revised editions.

THE CIVIC SPIRIT

The salvation of English Local Government would appear to some observers to lie in the direction of the development of a civic pride and local patriotism on a higher plane than a mere love of pomp and ceremony and a jealousy of other authorities. It is often said that the towns of England possessed such a civic spirit during the Middle Ages, but exactly how far the mediaeval burgess thought in terms of municipal idealism is really unknown. Certain it is that under the rule of the old Municipal Corporations there was little enthusiasm felt by any large section of English town-dwellers for the efficiency of their Local Government, and that when these units were reformed in 1835 the people seemed to be too absorbed in the struggle for existence at one end of the scale and in the making of fortunes at the other end to worry their heads about the beauties, amenities or even the efficient government of their towns. Enlightened individuals there were in plenty, forming societies for beautifying their towns and individually collecting or contributing money for the provision of parks, fine buildings, recreation grounds and statues. But even in the older urban centres which were not seriously affected by the growth of the new manufactures of the Industrial Revolution there was little evidence of a wide-spread pride in civic efficiency or local public amenities. Certain towns commercialised their natural advantages, and where there was a prospect of attracting tourists or summer visitors the Councils of such towns were willing to spend a certain amount of money in adding artificial amenities to those provided by nature. Thus seaside towns began to provide not only piers and bandstands but well-paved streets and efficient sewerage systems. Yet in both town and country districts there was very little indeed of that local pride in splendour of buildings or in efficiency of services that was noticeable in many continental towns.

With the improvement in local conditions there has grown up a certain sense of pride in the achievements of the local Councils and in the outward and visible signs of the constructive policy of municipal rulers. But this feeling of civic pride is still limited in most cases to a comparatively small number of residents, mainly those who have been personally in touch with the work of the local authority as Councillors or officials. This is exemplified most distinctly in the case of the Metropolitan Boroughs. Councillors and officials and their immediate circle feel a great pride in their new Town Halls, Municipal Baths and Libraries, and are only too pleased to take visitors from other areas to inspect these monuments of civic enterprise; but the vast mass of the residents of these London Boroughs is completely indifferent to the progress of the Boroughs as such, the Londoner being sometimes completely unaware of what Borough he happens to live in. In a few English towns pride in municipal amenities and buildings does extend further among the masses; some of the Lancashire and Yorkshire Boroughs are prominent in this respect. But fine buildings and efficient services are in most cases thrust upon an indifferent public.

It has been urged that the severe limitation of municipal activity by the *Ultra Vires* rule and the materialistic nature of almost all Council activities prevent English civic spirit from reaching a plane high enough to inspire and edify. German towns, and even German villages, have been encouraged to take a keener interest in the beauties of natural surroundings and of architecture than is ever the case in England. Town-planning has only recently found a place in the legal system of our local authorities; the spirit of Town-planning has not yet touched more than the fringe of English citizens. In Germany the cult of the "city beautiful" has gone far in the minds of the citizens, and even the materialist Yankee has begun to wax eloquent about the architecture of his Town

Halls and Railway Stations and the beauty of his suburbs. The submission of dollar-hunting New York to the artistic dictatorship of Henry Marshall of the Art Commission is one of the most portentous things in recent American history. Again, the continental municipalities show far more concern over cultural developments than is ever shown in England. This may be mainly the fault of the narrowing of the field of action by *Ultra Vires*. First-class music and drama have been presented daily at scores of municipal theatres, opera-houses and concert-halls in France and Germany, in the Netherland countries, and at the other end of Europe in Soviet Russia and in Finland. But the municipal authority of London, a city which—apart from the Universities—is the cultural centre of England, refused to adopt a plan for the establishment of a municipal theatre in 1927 on the ground that private enterprise could afford all the dramatic culture that was needed. And many an English health resort is suffering to-day from the restrictions on the "provision" of theatrical and musical shows inserted in the Public Health Act of 1925 at the instance of the Entertainments Protection Association.

There is little opportunity for the Englishman to boast of the cultural developments of his municipality outside the realm of "education" in the narrower sense of the word. But even if there were opportunities it is doubtful whether he would respond to them. English people rarely associate the idea of Council activities with their own powers as citizens. The local Council is in most cases something remote and alien to the ordinary man and woman, a mysterious "they" who make irritating regulations and impose extortionate rates. There is no real feeling of identity between the citizen and his representative Council. Interest in the good government of the town or district is restricted almost entirely to those who, as officials or as Councillors, meet regularly at the Council offices. If those individuals, whom the democratic

system threw up to the top in local administration were the most intelligent of the citizens, the most interested in good government and the keenest workers, there would be less cause to lament. But an electorate ignorant of almost everything connected with Local Government, and apathetic towards almost everything except the amount of the demand-note presented by the Rating Officer, finds itself represented for the most part by dignitaries devoid alike of a knowledge of Local Government and of the capacity for learning, and apathetic towards everything which fails to give them social prestige and a position in the limelight. Splendid exceptions there are, but where a local Council on its elected side is conspicuous for intelligence and efficiency the result has been brought about either by the exigencies of party conflict, which have forced the rival teams to search out capable men and thrust them to the forefront of the line of battle, or by sheer good luck.

The mills of God grind very slowly indeed in old England, in spite of the general speeding-up effected by the Industrial Revolution. But, as always, they grind exceeding small. Taking a long view, there are two roads open before English Local Government. The long arm of "the new despotism" may reach out to the local authorities, tightening the grip of Whitehall until the Municipal Service becomes a branch of the Civil Service, whilst the local Councils become dignified little social clubs whose members amuse themselves by playing at government. Alternatively, education—in the broader sense—may create a sufficiently intelligent interest in Local Government to lead the civic pride of the electorate to demand efficiency in its rulers, a demand which may be met by the readiness of many citizens to devote their time and energies to the interesting and important work of local administration. A worthy cleric of bygone days, after listening patiently to a lengthy denunciation of the shortcomings of the clergy, replied with a sigh: "Yes, the clergy

are doubtless a bad lot, but, unfortunately, when they want to make a new priest they've only got the laity to draw from." Before condemning his local Council, the ratepayer might profitably ask himself if he, personally, really deserves a better government. "Tommy," said the irate parent, "you're a little pig. And you know what a pig is, don't you?" "Yes," replied the incorrigible, "a pig is a hog's little boy."

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